

The Honorable John C. Coughenour

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

MYRIAM ZAYAS,

Plaintiff,

v.

ANNETTE MESSITT, JEFFREY
WHITNEY, AMBER WHITNEY, et al.,

Defendants.

NO. 2:20-cv-00747 JCC

DECLARATION OF BRENDAN
LENIHAN IN SUPPORT OF
DEFENDANTS JEFFREY
WHITNEY, AMBER WHITNEY &
DAVID LA RAUS' MOTION FOR
SUMMARY JUDGMENT

Brendan Lenihan hereby declares as follows:

1. I am over the age of 18 and am competent to testify about the matters stated herein. I am an Assistant Attorney General, and I represent Defendants Jeffrey Whitney and Amber Whitney in this case. As such, I am familiar with the contents of the case file in the matter. I make this declaration based on my personal knowledge and the records in this case.

2. ***Exhibit 1*** of this declaration is a true and correct copy of Kelsey Owens' Amended Dependency Petition, dated March 16, 2020, and filed in King County Superior Court Juvenile Division, cause number 20-7-00666-0 KNT.

1 3. **Exhibit 2** of this declaration is a true and correct copy of the Order to Take Child
2 Into Custody and Place in Shelter Care, dated March 16, 2020, and filed in King County Superior
3 Court Juvenile Division, cause number 20-7-00666-0 KNT.

4 4. **Exhibit 3** of this declaration is a true and correct copy of the Shelter Care Hearing
5 Order, dated March 17, 2020, and filed in King County Superior Court Juvenile Division, cause
6 number 20-7-00666-0 KNT.

7 5. **Exhibit 4** of this declaration is a true and correct copy of the Order Continuing
8 Fact-Finding/Trial, dated July 6, 2020, and filed in King County Superior Court Juvenile Division,
9 cause number 20-7-00666-0 KNT.

10 6. **Exhibit 5** of this declaration is a true and correct copy of the Pretrial Conference
11 Order, dated August 24, 2020, and filed in King County Superior Court Juvenile Division, cause
12 number 20-7-00666-0 KNT.

13 7. **Exhibit 6** of this declaration is a true and correct copy of the Order of Dependency
14 as to mother, Myriam Zayas, dated October 8, 2020, and filed in King County Superior Court
15 Juvenile Division, cause number 20-7-00666-0 KNT.

16 8. **Exhibit 7** of this declaration is a true and correct copy of the Clerk's Minute Entry,
17 March 17, 2020.

18 9. **Exhibit 8** of this declaration is a true and correct copy of the Transcript of March
19 17, 2020 Initial Shelter Care Hearing.

20 10. **Exhibit 9** of this declaration is a true and correct copy of May 18, 2020 Audio File
21 of Court Proceedings.

22 11. **Exhibit 10** of this declaration is a true and correct copy of the June 9, 2020
23 Transcript of Court Proceedings.

24 12. **Exhibit 11** of this declaration is a true and correct copy of the June 14, 2021
25 deposition of Myriam Zayas.
26

1 I declare under penalty of perjury of law under the laws of the State of Washington that the
2 foregoing is true and correct.

3 EXECUTED in Olympia, Washington on this 5th day of August 2021.
4

5
6 /s/ *Brendan Lenihan*
7 BRENDAN LENIHAN, WSBA No. 56066
8 Assistant Attorney General
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EXHIBIT 1

☐ King West ☐ OICW
☐ West Seattle ☐ MLK
☐ King East ☒ King South East
☐ King South West ☐ Adoptions/BRS

FILED
 2020 MAR 16
 KING COUNTY
 SUPERIOR COURT CLERK

CASE #: 20-7-00666-0 KNT

Superior Court of Washington County of King Juvenile Court		No:20-7-00666-0 KNT Amended Dependency Petition (DPP)
Dependency of:	ACZ	
D.O.B.:	ACZ	

I. Basis

I represent to the court the following:

1.1 Petitioner

☒ DCYF by (name) Kelsey Owens
☐ (Name) _____

1.2 Child alleged to be dependent

ACZ

Name	ACZ
Date of Birth	ACZ
Home Address	ACZ

1.3 Parent(s) or Legal Guardian(s):

	<input checked="" type="checkbox"/> Mother	<input checked="" type="checkbox"/> Father <input type="checkbox"/> presumed <input checked="" type="checkbox"/> alleged
Name	Myriam Zayas	
Date of Birth		
Marital status	<input checked="" type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> other	<input checked="" type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> other
Driver's License or Identical card (# and State)		
Home Address		

	<input checked="" type="checkbox"/> Father <input type="checkbox"/> presumed <input type="checkbox"/> alleged	<input type="checkbox"/> Custodian/Legal Guardian
Name	Unknown	4
Date of Birth	Unknown	
Marital status	<input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> other	
Driver's License or		

Identicard (# and State)		
Home Address		
		FOR OFFICIAL USE ONLY Juv. Ref. No: _____

1.4 **Child's Indian Status:**

- ☒ Based upon the following, the petitioner does not have reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do not apply to this proceeding:

The child is not enrolled or eligible for enrollment in any federally recognized tribe. The mother denied any Native American ancestry or eligible for membership of any Federally Recognized Tribe. There is no reason to being the alleged father has any Native American ancestry or eligible for membership of any Federally Recognized Tribe.

- ☐ Based upon the following, the petitioner knows or has reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do apply to this proceeding:

- ☐ The petitioner has made the following preliminary efforts to provide notice of this proceeding to all tribes to which the petitioner knows or has reason to know the child may be (1) a member or (2) eligible for membership if the biological parent is also a member:

1.5 **Dependency:** The child should be declared dependent according to RCW13.34.030(6) as follows:

- ☐ (a) the child has been abandoned as defined in RCW 13.34.030;
- ☐ (b) the child is abused or neglected as defined in chapter 26.44 RCW; or
- ☒ (c) the child has no parent, guardian or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

1.6 **Allegations:** The allegation of Dependency is based on the following facts:

1. Myriam Zayas (DOB: 11/05/1980) is the biological mother of the children: JZ (DOB: JZ), MBZ (DOB: MBZ), ACZ (DOB: ACZ), and CZ (DOB: CZ). JZ (DOB: JZ) is the biological father to JZ. JZ was legally free as a youth on 04/21/2015. JZ (DOB: JZ) is the biological father to MBZ and is listed on the birth certificate. JZ (DOB: JZ) is the alleged father of ACZ and is not listed on the birth certificate. There is no listed father for CZ. CZ was adopted at birth through Family Law Services and is not in Ms. Zayas care.

2. JZ was dismissed from the previous dependency (14-7-01695-4 SEA) on 12/31/2014 after paternity testing established that he is not the biological father of ACZ.

3. **ACZ** was previously dependent under cause number 14-7-01695-4 SEA. Her dependency was dismissed in October 2015 after a successful return home to her mother.
4. The Department of Children, Youth, and Families (DCYF) is requesting a shelter care hearing for child **ACZ**. Ms. Zayas is the primary parent providing care for **ACZ** and is actively using methamphetamines. The safety threat is the following: the caregiver will not or cannot control their behavior and their behavior impacts child's safety.
5. On 2/9/2020, the Department received an intake regarding a newborn baby by Ms. Myriam Zayas. Mandatory Referrer (Ref) at UW Medical Center in Seattle, WA, reports mother Myriam Zayas gave birth today to a term baby girl. Mother had inconsistent prenatal care and tested positive on 2/7/2020 for methamphetamines. Mother has an extensive CPS history and is only parenting her 5-year-old daughter, **ACZ**. Referrer reports the mother has so far made an adoption plan and the adoptive parent, is currently at the hospital. The family has been working with Family Law Solutions. Baby is being observed for NAS but she is too young to have symptoms. The adoptive family would like to take the infant home from the hospital. Referrer reports both the bio mother and adoptive parent are worried about CPS involvement. This worker clarified the risk/concern would be mother taking baby home with her, not if the adoption goes through.
6. On 02/18/2020, Investigator Owens completed Subject Interview with Ms. Zayas. Ms. Zayas reported criminal of manufacturing from 2000-2002. Mother reported that one time at Purdy was enough. Ms. Zayas reported domestic violence with the father of **ACZ** beginning in 2009 including physical abuse. Ms. Zayas reported substance use of methamphetamines starting at 18 years old. Investigator asked for the last time she used, she stated a couple years ago. Investigator asked what started the use, she stated being around other people who are a bad influence. She reported receiving treatment through the courts. Investigator asked about the positive tox of amphetamines. Ms. Zayas reported that it was Benadryl. SW asked if Ms. Zayas would complete a urinalysis (UA) for the Department. Ms. Zayas stated no, not without a court order.
7. On 02/21/2020, Investigator Owens received a call from hospital social worker at Auburn Medical. Hospital Social Worker reported that Ms. Zayas was currently receiving care at their hospital and reported the mother as manic. Hospital social worker showed concerns if mother was to refuse a mental health assessment, and return to caring for **ACZ**.
8. On 2/23/2020, Investigator Owens texted Ms. Zayas regarding FTDM scheduled for 2/24/2020. Ms. Zayas replied the following:

"my daughter is at home with me im sorry but im not sure i understand what the hell you are talking about
 Im not attending any meeting of yours I can barely breathe and im in a wheelchair so you can suck my ass and thanks for not helping me when i asked you for help
 tell your open investigation to go jump off of a fucking cliff how about that
 we will be out of town for the next 2 weeks thanks for letting us know when to take our vacation.
 IF YOU DONT STOP HARASSING ME I WILL CALL THE FUCKING POLICE
 LEAVE ME THE FUCK ALONE
 THE LAST THING I NEED IS SORRY ASS CPS UP MY FUCKING ASS FOR NO FUCKING REASON IM CLEAN BITCH I ALMOST DIED FROM PRE ECLAMPSIA YOU ARE NOT MAKING ANY DECISIONS ON MY DAUGHTER EVER SO GET THAT OUT YOUR FUCKING DUMB ASS BLANK RETARDED ASS HEAD
 INVENTING MEETINGS AND SHIT CUZ YOUR BORED BITCH IM SORRY IT DOESNT WORK LIKE THAT
 HERE IS YOUR FUCKING SUPPORT SYSTEM BITCH GO JUMP OFF A CLIFF
 NOBODY GIVES A FUCK ABOUT CPS GO FUCK YOURSELF AND LEAVE ME THE FUCK ALONE YOU GOT NOTHING HOE

AND YOUR BLOCKED FROM EVER CONTACTING THIS PHONE AGAIN IF YOU COME TO MY DOOR I WILL CALL THE POLICE DUMB BITCH"

9. On 2/24/2020, the Department held a Family Team Decision Making Meeting (FTDM). Ms. Zayas arrived at DCYF office with [ACZ] [ACZ] sat in play room with Investigator Allen. Ms. Zayas refused to sign release of information (ROI) form for the Department. Investigator went over the intake the department received. Ms. Zayas reported that [ACZ] "won't be a child of yours" referring to mother's history with the department. Ms. Zayas reported that no one is taking anyone's kid. Ms. Zayas reported that she UA'd for the hospital and it was Benadryl. Ms. Zayas stated that the hospital has UA's that state they are for medical use only not for court use. When stated again that Ms. Zayas tested positive for methamphetamines, she stated "what are you going to do about it". Ms. Zayas reported that she is diagnosed with congestive heart failure. Ms. Zayas reported that she doesn't cooperate with CPS. Ms. Zayas stated she would pee in a cup for the department. Ms. Zayas stated "I almost died, so I'm not going to get high". Investigator Supervisor Black asked if mother would accept services from the department, Ms. Zayas reported "hell no". Ms. Zayas reported that her rights were terminated when she was sober. She stated the department took 3 of her children, "I'm keeping this one". Ms. Zayas agreed to 30 days of UAs at STOP. Ms. Zayas denied any other services at this time to help her through medical diagnoses or mental health needs.
10. On 03/10/2020, Investigator Owens received UA result from 03/05/2020 of Ms. Zayas testing positive for amphetamines and methamphetamines.
11. On 03/13/2020, Investigator Owens informed Ms. Zayas of FTDM being held on 03/16/2020 regarding the positive UA received. Ms. Zayas stated "I am never that dumb if i was dirty why the fuck would i give you my pee think long and hard this is insane". Ms. Zayas then stated "all you have to do is drink 2 spoons of baking soda and your pee is clean in 2 hours everyone knows this why would i pee dirty google it your guys are making this up. I don't know i am even giving you guys the secret but this is how i know you are lying <https://www.youtube.com/watch?v=xcF0IF0gDtg>".
12. On 03/13/2020, Investigator Owens attempted to locate and interview [REDACTED] as the last known address provided in AGES. An unknown man answered the door stating that [REDACTED] does not live at that home and he doesn't know anyone by that name.
13. Mother has nineteen prior screened-in intakes regarding substance use and lack of providing basic needs to her children. Mother has six screened-out intakes. The mother received five prior founded findings including Negligent Treatment/Maltreatment, Medical Neglect, and Physical Abuse.
14. On 02/06/2001, the Department received the following concerns regarding medical neglect: Caller reported that [JZ] who will be on years old this month was born with significant health problems and was in the NICU for some time. Child has acute asthma and needs to be followed by MD on a regular basis. Mom is not keeping appointments either with NICU folks or others who are assigned to help her. Condition of the child is unknown as no providers are seeing her. She should be on a nebulizer and is not. Mother is on drugs and tries to quit on her own. Does not follow through with treatment issues for herself either. Caller did a home visit and found that a window was broken completely out of the home. Mother was either not there or did not respond to her caller. There was also an eviction notice on the door. Mother received a founded finding for this intake.
15. On 04/27/2001, the Department received the following concerns regarding physical abuse and negligent treatment/maltreatment. Referent reported that there is no electricity to the apartment. The home is nearly devoid of furniture and other household goods. The mother spends little or no money on diapers and other needed items for [JZ]. There is no preparation for the soon to be born. [JZ] is on SSI apparently due to congenital deficiencies from premature birth. Mother is reported to use drugs on nearly daily basis. Methamphetamines are reported to be used and some alcohol. Mother is seen carrying the child by one arm or one leg, endangering child's limbs and subjecting them to deforming forces. Though she reported to no longer have a car, she was seen placing the child in

a vehicle without securing child in a car seat or seat in car. The mother received founded findings for both allegations.

16. On 07/27/2001, the Department received an intake with the following concerns: Mother, Myriam Zayas, was arrested for a warrant and possibly a meth lab in her apartment. Child, [JZ] (age [JZ] is being removed by the police. Mother's sister and child's father is unable to take the child. Another anonymous referent called with additional information about this family. This ref. stated that mother is 7 months pregnant and has had very little prenatal care (1 appointment). The mother states that when this child is born she will sell it over the internet for \$30,000. Myriam is producing methamphetamines in her home and there are so many chemicals in the air that the air is a misty blue color. Mother, Myriam also smokes methamphetamine. She will leave the child alone in the home and has picked her up by her arm and thrown her across the room. She also calls the child a "slut". Child was placed into protective custody and mother was taken to jail. Mother received a founded finding.
17. On 01/17/2003, the Department received an intake with the following concerns: Ref is calling to report that her sister Myriam has a 2-month old baby [MCZ] she is staying at the Union Gospel Mission shelter and had a positive UA this week for Meth. She is being kicked out of the shelter at noon today 01/17/03. Ref is very worried about this baby. Myriam has lost 2 other children by CPS due to drugs. Ref also believes that Myriam is breast feeding the child. Ref told her sister to call her at noon and let her know where she is going to go.
18. On 09/08/2009, the Department received an intake with the following concerns: Referrer reported that Myriam is prostituting on Craigslist and using drugs. Referrer reported while Myriam is prostituting she has people who use drugs babysit [MCZ] Referrer reported that the babysitter's dog bit [MCZ] in the face. Referrer reported that [MCZ] had to go to the hospital for the dog bite. Referrer believes that the same person is babysitting [MCZ] again. Referrer reported they do not know who has the dog that bit [MCZ] Referrer reported that the dog previously bit the owner's child in the face. Referrer reported they were in the house on Friday and there was no food in the freezer or in the house. Referrer reported that Myriam was feeding the children cereal for dinner. Referrer is upset because Myriam received her food assistance on Wednesday and had not bought food. Referrer reported Myriam told them they are planning on selling the food assistance for drugs.
19. On 07/07/2014, the Department received an intake with the following concerns: Referrer (ref) is a social worker at the Harborview Women's Clinic calling about the newborn daughter of Myriam Zayas. Ref spoke with assigned SW this morning to advise her of the birth and SW directed her to call intake. Baby was born on [CZ] at 39.6 weeks, with Apgar's of 8/9. Ref did not have access to the weight of the baby or the results of tox screens on mother and baby, which ref believes are pending. Ref said the baby was delivered at UWMC. Chart note indicates that a hold will be put in place, but ref did not have confirmation that this had occurred as yet. Ref said that, per chart, the mother used meth during her pregnancy. Her use was particularly heavy during the first and second trimesters. Mother admits to meth use, but at a lower level than what is documented in the chart. Mother had "inconsistent" prenatal care at Swedish, where she had UA's that were positive for meth, but then transferred to Harborview at 39.1 weeks' pregnancy. Ref said it is highly unusual that a woman would change her prenatal care provider with the baby due at any time.
20. Per intake of 07/03/2014, called in by assigned Child Family Welfare Services (CFWS) Social Worker (SW): Myriam Zayas is currently restricted to her bed until the baby delivers and she is at Harborview Hospital. The recommendation is Myriam to remain in the hospital until the child is born. Placement for the newborn has been arranged. Myriam was at Swedish Hospital for about a week and a half until yesterday 07/02/2014. Myriam left Swedish Hospital against medical advice and admitted herself to Harborview Hospital. Myriam had been in inpatient treatment for substance abuse at Swedish. Myriam left Swedish because she did not want the hospital to have access to her substance abuse records. Myriam believes she will be taking the newborn home with her but that is not the case plan. Myriam has two open dependencies in King and Pierce County regarding [JZ] and [MCZ] Myriam was in inpatient treatment at Swedish in December 2013. The discharge

recommendation was for a 1-2 year, long term residential treatment facility. Myriam did not agree with the recommendation and instead chose to go to Union Gospel Mission's Hope Place. Hope Place although a good program does not meet criteria as a residential treatment program. Myriam did not engage in any further supportive services other than Hope Place and relapsed in May 2014. Myriam has been using since the age of 18 and supports herself through prostitution. Myriam reports she relapsed in May because if she had waited until the baby was born CPS would take the child. The recommendation for Myriam when she left Swedish was random urinalysis 3 times weekly. Myriam shared with the CDP that she can beat random urinalysis if the tests are less frequent. The CDP again recommended long term residential treatment for Myriam but she again refuses. Myriam understands she would have the option of taking her baby with her to treatment. Myriam reports she won't go because she can't take [JZ] with her and she wants [JZ] home. [JZ] does not want to return home to her mother Myriam. The current dependency on [JZ] is her 3rd and [JZ] wants permanency. Myriam has been telling the social worker at Harborview she will not be returning to Hope Place after the birth. Myriam plans to leave the hospital with the baby and get her own apartment. Myriam reports the presumed father of the newborn is currently in a Washington State Correctional Facility. Myriam states she wants the presumed father to have a relationship with the newborn. There is a 10 year no contact order between Myriam and the presumed father due to his trying to kill Myriam. The presumed father tried to strangle Myriam in 2009 in front of [JZ] and [MCZ]. The presumed father is identified in FAMILINK as Maniac Unknown as that is his alias. The presumed father's actual name is [REDACTED]. The Hope Place case manager has spoken to referrer and has expressed concern about Myriam. Case manager reports when Myriam leaves the building she risks relapse due to her inability to resist drugs use. Myriam will not be breastfeeding as she has implants and medically it has been recommended she not breastfeed.

21. On 11/02/2016, the Department received the following concerns: [ACZ] (years old) recently was returned to parent on October 28, 2015. Referrer has been in the home about a month ago and found that there is minimal food for [ACZ]. There is oatmeal and biscuits and spoiled milk in the refrigerator. [ACZ] diaper was full. That was a week day where child goes to the daycare. The house is messy. Garbage is overflowing and no clean dishes. There are different people coming into the house. Mother would leave [ACZ] alone in the living room and stay in the bedroom with friend/s for about 30 to 45 minutes.
22. On 11/20/2017, the Department received the following concerns: The referrer was recently at the home. He responded to an ad from back page and met the mother at her apartment. They went into her room and did sexual things and smoked methamphetamines together. The referrer saw a little girl sleeping on the floor under a blanket in the mother's room and there was another child in the apartment. They were both exposed to the methamphetamines smoke. The referrer is very concerned that the mother would do sexual things with men with her children present and was concerned that the mother would smoke methamphetamines in the apartment with her children present. The referrer reports that on his way into the apartment was another man leaving. On his way out there was another man coming in.
23. On 06/01/2019, the Department received the following concerns from Officer Robinson with Kent Police Department wrote in her law enforcement report: "I then spoke with [MCZ] who stated the following: "He asked [REDACTED] to come pick him up because he was not happy at home with his mother. He does not like the fact that he has to babysit his sister all the time. Approximately 1 month before our conversation [MCZ] was in Myriam's room, when he found methamphetamine and a pipe inside her drawer. He recognized the items, because he has friends who use it. He decided to snort the methamphetamine in his mother's drawer, and did not enjoy the sensation. Almost every month Myriam sells her \$500.00 in food stamps. When she sells them she gives [MCZ] \$40.00. When men text his mother's phone asking for sex, they do not offer her anything to her in return other than "their love".
24. On 07/15/2019, the Department received the following concerns: Referrer originally called for ARY because [MCZ] is using hallucinating drugs and marijuana. Referrer mentioned talking to [REDACTED] who was the CPS worker for [MCZ]. Referrer was told to call CPS for a YAR due to [MCZ] using drugs.

Referrer was upset that [REDACTED] knew MCZ was using marijuana, but did not know the mother was supplying MCZ with marijuana. Referrer did not understand why the Referrer was not informed of this. Referrer was unable to say what kind of hallucinating drugs MCZ is using. On 7/12, Referrer picked up MCZ and his friends from somewhere and they "weren't there mentally". Referrer waited for MCZ to be sober and had sent him to his mother's house. When the Referrer was at the home, MCZ was in his room with the door locked. When the Referrer was able to go inside the bedroom, Referrer saw marijuana "crumbs" on a plate. Referrer stated the stems were still on the plate. Referrer found out that the mother was providing MCZ with marijuana for pain relief due to being hit by a car on the 12th. Referrer noted MCZ knee was bruised and he had scrapes on his body from the car accident.

25. The mother has criminal history including: Conspire to Violate Controlled Substances, Control Substance Violation Section A, Harassment, Prostitution, and Criminal Trespassing.
26. The alleged father has significant criminal history including: Felony Violation of No Contact Order, Possession of Drug Paraphernalia, multiple Assault 4th Degree, Harassment, Assault 4th degree- DV, Attempt to Elude Police, Assault 3- Law Enforcement Officer, Possession of Stolen Vehicle, Possession of Stolen Property, Riot Deadly Weapon Felony, Unlawful Imprisonment, Criminal Attempt, Domestic Violence, Escape 2nd Degree, multiple Control Substances Violation Section D, multiple Control Substances Violation Section A, Control Substances Violation section E, Theft 3, Reckless Endangerment, Malicious Mischief 3rd Degree, and multiple Burglary 2nd Degree. There is multiple active No Contact Orders and Protections Orders with [REDACTED] as the respondent.
27. At this time, the Department contends that there are no available parents that can appropriately and safely parent ACZ. The mother, Ms. Zayas has a long-standing drug addiction issues that remains untreated. Ms. Zayas tested positive for methamphetamines on 03/05/2020. The mother has refused any services from the Department outside of UA's. The mother has prior dependencies based upon the same safety threats to her children that are described in the petition above. Paternity needs to be established, as there is no father listed on the birth certificate. The alleged father, [REDACTED] also is not the child's primary parent. At this time, the Department is requesting a pick up order and shelter care hearing due to the mother and alleged father's inability to appropriately and safely parent ACZ.

Efforts to provide services to the family to prevent or eliminate the need for removal of the child from their home include the following: DCYF held an FTDM On 02/24/2020, the mother refused any other services than completing UA's for the Department. The mother reported that she is diagnosed with congestive heart failure and can die if she was to get high again. Mother tested positive for methamphetamines on 03/05/2020. Mother was previously offered Homebuilders in July 2019, mother declined services from assigned worker. At this time, there are no additional services the Department can place into the home to remedy the safety threats to the child. The department is requesting licensed foster care placement until a relative or suitable other can be located and approved by the Department.

At this time, there are no services available to prevent removal of the child and an out of home placement. There are no services that the Department can place into the home to remedy the safety threats to the child. The Department is requesting a licensed foster care placement, until an approved relative or suitable other can be located by the Department.

****Amended to reflect that [REDACTED] is not the biological father.**

1.7 ☐ Educational Liaison

The child meets the criteria for appointment of an educational liaison. DCYF recommends that the court appoint an educational liaison.

II. Relief Requested

The petitioner requests that the court find the child dependent, enter an order of dependency, and grant the relief below:

- ☒ enter a disposition order that includes placement, parent-child and sibling visitation, and services.
- ☐ appoint an educational liaison.
- ☒ order a parent to cooperate with the establishment of paternity.
- ☒ order a parent to sign releases for information.
- ☐ Other:

III. Certification

I declare under penalty of perjury under the laws of the State of Washington that the foregoing representations are true and correct.

Signed at Kent (City), Washington on 03/16/2020 (Date).


Signature of SW

Quyet Le fur
Kelsey Owens
Print Name

Signature of SW supervisor

Kejana Black
Print Name

Reviewed/approved on March 16, 2020 by:

Derek Paul Leuzzi
Assistant Attorney General
WSBA # 45508

EXHIBIT 2

RECEIVED
KING COUNTY, WASHINGTON

MAR 16 2020

KNT DEPARTMENT OF
JUDICIAL ADMINISTRATION

☐ King West ☐ OICW
☐ White Center ☐ MLK
☐ King East ☒ King South

Superior Court of Washington
County of King, Juvenile Court

Dependency of: **ACZ**

DOB: **ACZ**

No: 20-7-00666-0 KNT

Order to Take Child Into Custody and
Place in Shelter Care
(ORTCC)

I. Basis

The court has considered a motion, statement and declaration requesting an order to take the above-named child into custody.

II. Findings

- 2.1 A petition has been filed with the court alleging that the child is dependent pursuant to RCW 13.34.030.
- 2.2 It is currently contrary to the child's welfare for the child to remain at home. The petition and/or supporting declarations and affidavits establish reasonable grounds to believe that the child is dependent and that, if the child is not taken into custody, the child's health, safety, and welfare will be seriously endangered.
- 2.3 The petitioner has demonstrated that there is a risk of imminent harm to the child in the child's home. The assessment of risk by petitioner constitutes reasonable efforts to prevent or eliminate the need for removal of the child from the child's home and:
- ☐ because of the risk of imminent harm to the child, there are no reasonably available services that can be provided to the parent(s) to maintain the child in the child's home at this time;
 - ☒ services previously offered or provided to the parent(s) have not remedied the unsafe conditions in the home;
 - ☐ petitioner is currently unaware of any parent, guardian, or legal custodian known who is available to take custody of the child; and/or
 - ☐ Other:


01010037

III. Order

- 3.1 A law enforcement officer, probation counselor, or child protective services worker shall take the above named minor child into custody and place the child in a facility licensed pursuant to RCW 74.15.030, or in a home not required to be licensed pursuant to that section, under the supervision of (name of DSHS or Supervising Agency):
- 3.2 The supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care.
- 3.3 The child shall remain in shelter care for not more than 72 hours from the time the child is taken into custody, excluding Saturdays, Sundays, and holidays, unless the court enters an order authorizing continued shelter.

MAR 16 2020

Dated


Judge / ~~Commissioner~~

Presented by:


Signature

Quyet Le, MSW
Print Name & Title

01010038

EXHIBIT 3

- ☐ King West ☐ OICW
☐ White Center ☐ MLK
☐ King East ☐ King Southwest
☒ King Southeast ☐ Adoptions/BRS

**Superior Court of Washington
County of King Juvenile Court**

Dependency of:

ACZ

DOB:

ACZ

No: 20-7-00666-0 KNT

Shelter Care Hearing Order

- ☐ Agreed as to ☐ mother ☐ father ☐ other
☒ Contested as to ☒ mother ☐ father ☐ other
☒ Default as to ☐ mother ☒ father ☐ other
(SCOR)

☒ Clerk's Action Required. Para. 3.5 (EDL), 3.10

The parties shall:

- ☐ Hold a ☐ case conference ☐ mediation:

On: [Date] _____ at _____ a.m./p.m.

- ☐ King County Courthouse, 8th floor, 516 Third Avenue, Seattle, WA
☐ Kent Regional Justice Center, Courtroom 1L, 401 4th Ave. N., Kent, WA

- ☐ Not hold a case conference at this time because the parent ☐ did not appear at shelter care ☐ did not want to participate, or ☐ the court set a mediation instead.

- ☒ Not hold a mediation because the court has determined that this case is not appropriate for mediation.
DUE TO PUBLIC HEALTH CRISIS

The court shall conduct a:

	Date	Time
Shelter Care Hearing	04/14/2020	08:00 AM
<input type="checkbox"/> King County Courthouse, Courtroom E854, 8th floor, 516 Third Avenue, Seattle, WA <input checked="" type="checkbox"/> Kent Regional Justice Center, Courtroom 1L, 401 4 th Ave. N., Kent, WA		
Pre Trial Conference	05/04/2020	01:30 PM
<input type="checkbox"/> King County Courthouse, Courtroom E863, 8th floor, 516 Third Avenue, Seattle, WA <input checked="" type="checkbox"/> Kent Regional Justice Center, Courtroom 1L, 401 4 th Ave. N., Kent, WA		
Fact - Finding	05/18/2020	01:30 PM
<input type="checkbox"/> King County Courthouse, Courtroom E863, 8th floor, 516 Third Avenue, Seattle, WA <input checked="" type="checkbox"/> Kent Regional Justice Center, Courtroom 1L, 401 4 th Ave. N., Kent, WA		

I. Hearing

- 1.1 **Petition:** A dependency petition was filed in this matter on 03/16/2020 [Date] by ☒ DCYF ☐ Other _____

The child was removed from the parents' care on 03/16/2020 (Date) by ☒ court order ☐ protective custody ☐ hospital/doctor hold ☐ voluntary placement agreement.
 The court held a shelter care hearing on this date or on 03/17/2020 (Date).

1.2 **Appearance:** The following persons appeared at the hearing:

<input type="checkbox"/> Child	<input type="checkbox"/> Child's Lawyer
<input checked="" type="checkbox"/> Mother	<input checked="" type="checkbox"/> Mother's Lawyer <i>Alfred NDD</i>
<input type="checkbox"/> Father	<input type="checkbox"/> Father's Lawyer
<input type="checkbox"/> Alleged Father _____	<input type="checkbox"/> Alleged Father _____
<input type="checkbox"/> Guardian or Legal Custodian	<input type="checkbox"/> Guardian's or Legal Custodian's Lawyer
<input type="checkbox"/> Child's GAL/CASA	<input type="checkbox"/> GAL's Lawyer
<input checked="" type="checkbox"/> DCYF Worker	<input checked="" type="checkbox"/> DCYF's Lawyer
<input type="checkbox"/> Tribal Representative	<input type="checkbox"/> Current Caregiver
<input type="checkbox"/> Interpreter for <input type="checkbox"/> mother <input type="checkbox"/> father	<input type="checkbox"/> Other _____
<input type="checkbox"/> other _____	

1.3 **Basis:** The court considered the dependency petition, declarations, testimony, if any, and the relevant court records.

☐ The child is 12 years old or older and the court made the inquiry required by RCW 13.34.100(6).

II. Findings2.1 **Notice:** The petitioner gave adequate notice as required under RCW 13.34.062 to the ☒ mother ☐ father ☐ child if age 12 or older ☐ guardian ☐ legal custodian ☐ other: _____

The petitioner ☐ has ☐ has not made reasonable efforts to provide notice to the ☐ mother ☐ father ☐ child ☐ guardian ☐ legal custodian ☐ other: _____ and to inform them of their rights.

2.2 **Child's Indian Status:** The court asked each participant on the record whether the participant knows or has reason to know that the child is an Indian child.

The petitioner ☒ has ☐ has not made a good faith effort to determine whether the child is an Indian Child.

☒ Based upon the following, there is not a reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do not apply to this proceeding:

The child is not enrolled or eligible for enrollment in any federally recognized tribe. The mother denied any Native American ancestry or eligible for membership of any Federally Recognized Tribe. There is no reason to know the unknown father has any Native American ancestry or eligible for membership of any Federally Recognized Tribe.

☐ Based upon the following information currently available to the court, there is reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do apply to this proceeding, unless and until it is determined on the record that the child does not meet the definition of an Indian child:

- ☐ Based upon the following, the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do apply to this proceeding:
-

- ☐ The petitioner ☐ has ☐ has not made preliminary efforts to notify all tribes to which the petitioner or court knows or has reason to know the child may be a member or eligible for membership of this proceeding.

2.3 **Rights:** The parties present at the hearing were informed of their rights pursuant to RCW 13.34.065 and 13.34.090.

2.4 **Waiver of Shelter Care Hearing:** The ☐ mother ☐ father ☐ guardian ☐ legal custodian requested a waiver of the shelter care hearing. The court determined that the parent, guardian, or legal custodian ☐ was ☐ was not represented by an attorney and the waiver of the shelter care hearing was knowing and voluntary.

2.5 **Shelter Care Factors:**

The court considered the following factors:

- (a) What services DCYF provided to the family to prevent or eliminate the need for removal of the child from the child's home.
 - ☐ If lack of suitable housing was a significant factor in removal of the child, whether DCYF provided housing assistance to the family.
- (b) Whether the child can be safely returned to the home pending the dependency fact-finding hearing.
- (c) Whether restraining orders or orders excluding an allegedly abusive household member from the house of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home.
- (d) What efforts DCYF made to place the child with a relative or other suitable person known to the child and with whom the child has a relationship. The court inquired whether DCYF has discussed this issue with the parents.
- (e) Whether the placement proposed by DCYF is the least disruptive and most family-like setting that meets the needs of the child.
- (f) Appointment of an attorney or guardian *ad litem* for the child's parent, guardian, or legal custodian, or for the child.
- (g) The terms and conditions for parental, sibling, and family visits.

2.6 **Reasonable Efforts:**

- ☒ Petitioner made reasonable efforts to prevent or eliminate the need for removal of the child from the child's home. For the reasons set forth in the dependency petition, supporting declarations and affidavits, and/or the testimony presented to the court:
 - ☒ The risk of imminent harm to the child as assessed by petitioner establishes reasonable cause for the continued out-of-home placement of the child pending the fact finding hearing; and/or
 - ☐ Specific services offered or provided to the parent(s) have been unable to remedy the unsafe conditions in the home and make it possible for the child to return home; and/ or

☒ Returning the child to the home would seriously endanger the child's health, safety, and welfare.

☐ Additional reasonable efforts findings:

2.7 Shelter Care:

- ☐ The court does not find reasonable cause to believe that shelter care is needed.
- ☒ It is currently contrary to the welfare of the child to remain in or return home. The child is in need of shelter care because there is reasonable cause to believe:
- ☒ The child has no parent, guardian, or legal custodian to provide supervision or care for such child; and/or
- ☒ The release of the child would present a serious threat of substantial harm to the child; and/or
- ☐ The parent, guardian or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.
- ☐ The child is or there is reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4). The child is in need of shelter care to prevent imminent physical damage or harm to the child.

2.8 Placement:

- ☐ A ☐ relative or ☐ suitable person is available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.
- ☐ Placement with the relative or other suitable person is in the child's best interests.
- ☐ DCYF needs to further investigate the character and suitability of the proposed relative or other suitable person to determine if the placement is in the child's best interests.
- ☐ Placement with the relative or other suitable person is not in the child's best interests as there is reasonable cause to believe that placement of the child with the relative or suitable person would ☐ jeopardize the health, safety or welfare of the child ☐ hinder efforts to reunite the parent and child.
- ☒ A ☒ relative or ☐ suitable person is not available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.
- ☐ DCYF made the following efforts toward placement with a relative or other suitable person:
-
-
-
-

2.9 Restraining Order:

- ☐ The court finds reasonable cause to believe that an incident of sexual or physical abuse has occurred and that a restraining order is necessary pursuant to RCW 26.44.063(2).
- ☐ A restraining order ☐ has been ☐ shall be entered pursuant RCW 26.44.063 and shall be incorporated by reference into this order. Placement of the child with _____ [name] shall be contingent on continued compliance with the terms of the restraining order.

2.10 Services:

The court inquired into whether the child, the parent or parent(s), or the legal guardian requires examinations, evaluations, or immediate services. The court also inquired into whether the parent(s) agree(s) to any recommended services, and the parent(s) agree(s) to participate in the services listed in the Order.

☒ The Department recommends the following examinations, evaluations, or immediate services for the child:

Well child exam within 30 days and follow up appointments as scheduled.

☐ The child is 12 or older and ☐ agrees to the services ☐ was notified of the services
☐ was notified that he/she may request an attorney.

2.11 Education status:

☐ The child is not of school age.

☒ The court considered whether it is in the best interest of the child to remain enrolled in the Pine Tree Elementary [name of school, developmental program, or child care] the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care.

☐ The child should not remain enrolled in the child's present school, developmental program, or child care and the reasons for the transfer to a new school, developmental program, or child care are:

☐ DCYF should enroll the child in school, developmental program, or child care immediately and within seven school days and request transfer of records.

☒ DCYF is responsible for coordinating the student's educational information.

☐ The child meets the criteria for appointment of an educational liaison. DCYF recommends that the court appoint (name) _____ as the child's educational liaison.

☐ The parents are not able to serve as the educational liaison because:

2.12 ☒ Other: The Department recommends the following services for the parents:

Mother: Drug and alcohol assessment following recommendations, random UAs four times per month, mental health assessment following recommendations, and a parenting assessment following recommendations.

Father: To be assessed once identified.

III. Order**3.1 Placement:**

- ☐ The child is released to the child's parent, guardian or legal custodian:

Name(s): _____

Address: _____

Subject to the following conditions: _____

- ☒ The child is placed in or shall remain in shelter care, in the temporary custody and under the supervision of DCYF, which shall have the authority to place the child in:

☒ Licensed foster care.

☐ Relative placement with _____ [name].

☐ Placement with a suitable person: _____ [name].

Placement with the relative or suitable person is contingent upon the caregiver's cooperation with the DCYF case plan and compliance with this, and all subsequent court orders related to the care and supervision of the child, including but not limited to parent-child contact, sibling contacts, and any other conditions imposed by the court.

Placement conditions: Relatives placement will complete a home study application within ten days. If relatives do not complete within ten days or pass the home study the Department has the authority to remove child(ren).

- ☒ DCYF shall continue to make reasonable efforts to locate and investigate an appropriate relative or other suitable person who is available and willing to care for the child, and is authorized to share information with potential relative or other suitable person placement resources as necessary to determine their suitability and willingness as a placement for the child.

- ☐ DCYF shall have authority to place the child with an appropriate relative with prior reasonable notice to the parties, subject to review by the court.

3.2 Visitation: DCYF shall provide visits between the child and parent, guardian, or legal custodian as follows:

- ☐ Per visitation attachment.

- ☒ As follows:

Mother: Minimum twice a week for ^{TWO} 0 hours supervised by caregiver or DCYF designee.

Father: To be assessed once identified.

DEPARTMENT TO ACCOMMODATE FOUR HOUR VISITS IF POSSIBLE. THE DEPT WILL PROVIDE A VISIT today.

If siblings are not placed together, DCYF shall provide sibling visits or contact as follows:

☒ Visitation may be expanded upon agreement of the parties.

3.3 **Attorney/GAL Appointments:** Attorney and guardian *ad litem* appointments are as follows:

- ☐ attorney ☒ guardian *ad litem* for ACZ [Name].
☐ attorney ☐ guardian *ad litem* for _____ [Name].
☐ attorney ☐ guardian *ad litem* for _____ [Name].
☐ attorney ☐ guardian *ad litem* for _____ [Name].

3.4 **Services:**

- ☐ DCYF shall offer or provide and the parent/guardian/custodian shall participate in the following agreed upon examinations, evaluations, or immediate services:
☐ The mother shall participate in the following:

☐ The father shall participate in the following:

☐ The alleged father _____ (name) shall participate in the following:

☐ The guardian/legal custodian shall participate in the following:

☐ DCYF shall provide and the child shall participate in the following examinations, evaluations, or immediate services:

☐ Per attached service plan.
☐ Other: _____

3.5 **Education:**

- ☐ DCYF or its designee shall immediately and within seven school days timely enroll the child in school and request transfer of records.

- ☐ DCYF or its designee shall provide the child's school with a certified copy of the Order and Authorization Re Health Care and Education.
- ☐ (Name) _____ is appointed as the child's educational liaison to carry out the responsibilities described in RCW 13.34.046. The educational liaison must complete criminal background checks required by DCYF.

3.6 Parental Cooperation:

The parents shall cooperate with DCYF and provide a current address and phone number to the social worker at all times. Within two weeks of the entry of this order, the parents shall provide additional information necessary for placement and notice purposes including:

- (a) The names, addresses, and phone number of any relatives or other suitable persons who may be placement resources for the child.
- (b) The names, addresses, phone numbers and other identifying information of any alleged parent(s) of the child.
- (c) Any known information regarding possible membership in or descent from an Indian tribe.
- (d) Information necessary to determine financial eligibility for services or foster care.
- (e) Other: _____

The parents shall sign and maintain current releases of information during the course of these proceedings for exchange of information between all evaluators and service providers, DCYF, CASA/GAL, Juvenile Court, AAG, and the parents' attorneys.

3.7 Paternity:

- ☐ The alleged father(s) _____ shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
- ☒ The mother shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
- ☒ The child shall be made available for genetic testing.
- ☒ If paternity has not been established regarding the child, the court authorizes the King County Prosecutor's Office to proceed in the King County Superior Court, Family Law Division, on the issue of paternity, current and past child support, and costs.

3.8 Release of Information:

All court-ordered service providers shall make all records and all reports available to DCYF, attorney for DCYF, parent's attorney, the guardian ad litem and attorney for the child. Parents shall sign releases of information and allow all court-ordered service providers to make all records available to DCYF and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DCYF may be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.

3.9 General:

DCYF shall have the right to access, inspect, and copy all records pertaining to the above-named child, including but not limited to health, medical, mental health and educational records.

DCYF may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care.

DCYF shall make reasonable efforts to advise the child's ☐ mother ☐ father ☐ legal guardian or custodian of the status of this case, including the date and time of the hearing(s) scheduled below and their rights under RCW 13.34.090.

3.10 Restraining Order:

- ☐ The court signed a separate restraining order on this date.
- ☐ The restraining order entered pursuant to RCW 26.44.063 is incorporated into this order.

Placement of the child with _____ is contingent on continued compliance with the terms of this restraining order. Failure to comply with any and all terms of this order may result in removal of the child.

The person having physical custody of the child has an affirmative duty to assist in the enforcement of this restraining order and to notify law enforcement, DCYF, and the court as necessary to request assistance and/or report violations of the order.

3.11 Child's Indian Status:

Any party who subsequently receives information that provides a reason to know the child is an Indian child under 25 C.F.R. § 23.107 shall inform the court.

3.12 All parties shall appear at the next scheduled hearing (see page one).

3.13 Other:

- ☐ The child shall remain in court-ordered placement and comply with all rules of placement. Failure to comply may result in a finding of contempt and sanctions.

Dated: MAR 17 2020



Commissioner

Ann Danieli

Presented by:



Assistant Attorney General

WSBA # 50261

Copy Received. Approved for entry, notice of presentation waived.

Signature of **Child**

☐ Signature of Child's Lawyer

Print Name

WSBA No.



☐ Signature of **Mother**

☐ Signature of Mother's Lawyer

☐ Pro Se, Advised of Right to Counsel


Print Name _____ WSBA No. 45576

☐ Signature of **Father**
☐ Pro Se, Advised of Right to Counsel

☐ Signature of Father's Lawyer

Print Name

WSBA No.

☐ Signature of **Guardian or Legal Custodian**
☐ Pro Se, Advised of Right to Counsel

☐ Signature of Guardian or Legal Custodian's Lawyer

Print Name

WSBA No.

☐ Signature of Child's **GAL**

☐ Signature of Lawyer for the Child's GAL

Print Name

Print Name

WSBA No.

Signature of **DCYF Representative**

Signature of DCYF Representative's Lawyer

Print Name

Print Name

WSBA No.

☐ Signature of **Tribal Representative**

☐ Signature

Print Name

Print Name

WSBA No.

Lawyer for

EXHIBIT 4

☒ King South EastIN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY
JUVENILE DIVISION

In re the Dependency of:

No: 20-7-00666-0 KNT

ACZ
dob: ACZ**Order Continuing Fact-Finding/Trial**☒ Dependency ☐ Termination

• Good cause found

Clerk's Action Required. (ORCTD)

minor child

This matter came before the court for consideration of an oral motion for continuance of PTC and FF dates made by CASA, on the basis that:

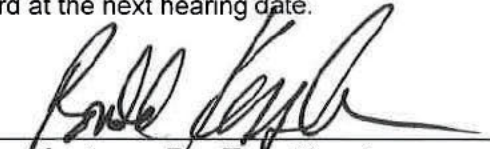
Mother is representing herself *pro se*, at her request granted at a prior hearing, and publication to unknown father is pending. On 5/18/20 the PTC and FF dates were continued for assignment of CASA for trial, however a CASA has not yet been assigned and a CASA is necessary for trial. CASA indicates that a CASA will need 8 weeks to be prepared to proceed to trial. I

WHEREFORE IT IS ORDERED that

☒ The court hereby continues the Fact Finding/Trial from 7/06/20 to: 8/24/20 at 1:30 pm☒ This continuance will exceed the Fact Finding by 75 Days timeliness measure. Good cause is found to continue past 75 days (good cause previously found 5/18/20).☒ A pre-trial hearing is necessary and is continued from 7/06/20 to: 8/24/20 @ 1:30 pm

*** If no CASA has been assigned to the case at the next hearing the court should make a good cause finding that the case should proceed without a CASA to avoid further delays.

*** The mother filed a motion to dismiss which should be heard at the next hearing date.

Dated: 7/06/20
Commissioner Pro Tem Kessler

Submitted electronically by:

David La Raus, #33715 AAG for DCYF

Approved as to form for entry:

Mother, Miriam Zayas

Kathleen Martin, CASA program counsel (No NOA yet filed, but heard by the court at the hearing)

EXHIBIT 5

☐ King East ☐ King West ☐ MLK
☐ OICW ☐ West Seattle
☒ King South East ☐ King South West
☐ Private

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY
JUVENILE DIVISION

In re the Dependency of:

[REDACTED] ACZ
 dob: [REDACTED] ACZ

Minor child

No: 20-7-00666-0 KNT

**Pretrial Conference Order
(ORPTC)**

☒ Dependency ☐ Termination

Trial Date: **9/21/20**

If this date differs from the date on the Case Schedule, a separate Order of Continuance must be submitted.

I. INTRODUCTORY MATTERS

The parties affirm that this trial will be as to:

☒ Mother Only

[publication pending as to unknown father]

The parties estimate that the entire trial will take 8 days.

The Department estimates its case will take 3.5 days

The mother estimates her case will take 3 days

The CASA estimates 0.5 days for the CASA's case.

☐ ICWA applies: The _____ tribe/nation/band has intervened or otherwise participated.

☐ Interpreter needed for _____ (party or witness name) in _____ language. Interpreter to be arranged by DCYF and/or its counsel pursuant to RCW 2.43.040(2).

II. TRIAL DATE CONFLICTS

The parties assert that the date listed above does not conflict with previously-scheduled leave of any attorney, the assigned social worker or the CASA or, in the alternative that the parties believe the trial can proceed on this date even if such conflict exists. A partial day leave for a medical appointment or similar issue can be accommodated.

If for some reason the trial is not assigned out on the current trial date, the following conflicts exist in the month following the trial date:

List party by LAST NAME

AAG/SW: La Raus / Magee

Dates: AAG on leave 8/31-9/04

GAL/C: Duke / Cowan

Dates: GAL is unavailable 9/14-9/16 and 11/12-11/16.
GAL Attorney is unavailable 9/14-9/18; 10/19-10/20.Mother/C: Zayas (*pro se*)

Dates:

III. SETTLEMENTSettlement: ☒ Has been attempted.**IV. PRETRIAL DISCLOSURES**

1. Answer Filed:
- ☐
- Mother

If not yet completed, answer will be filed by 8/31/20.

2. Exchange of Exhibit Lists

☒ Petitioner ☐ MotherIf not yet completed, exhibit lists will be exchanged by 8/31/20.

Numbering for the Exhibits will be as follows:

AAG	Number Start: (i.e., 1 – 50)	<u>1-199</u>
CASA	Number Start: (i.e., 51 – 100)	<u>200-299</u>
Mother	Number Start: (i.e., 151 – 200)	<u>300-399</u>

3. Inspect Non-documentary Exhibits

☒ Petitioner ☐ MotherIf not yet completed, exhibit lists will be exchanged by 8/31/20.

4. Disclosure of Witnesses

☒ Petitioner ☒ MotherIf not yet completed, witness lists will be exchanged by 8/31/20.

5. GAL Report

☐ Is complete.☒ Must be completed and provided to all parties by 9/02/20.

6. Discovery

a. All discovery available to the petitioner ☒ has ☐ has not been provided to opposing parties. If not yet provided, it will be provided by: 8/31/20.b. All discovery available to responding parties ☐ has ☒ has not been provided to opposing parties. If not yet provided, it will be provided by: 8/31/20.

- c. ☒ Updated discovery is expected to be received. It shall be provided no later than two business days following receipt. The general nature of this updated information is expected to be: information r.e. parent's most recent participation in visitation / services
- d. ☒ The formal discovery cut off is extended to 8/31/20.

V. STIPULATIONS

The parties agree to the following stipulations;

1. Electronic Court Records copies of orders entered in dependency, termination, and parentage actions involving the parents or alleged parents of the above-named child(ren) and/or the child(ren)'s siblings are deemed authenticated for purposes of admissibility.
2. Certified copies of all criminal and civil court records regarding the parents are deemed authenticated.
3. Telephonic testimony shall be allowed.
4. Previously supplied Notices of Intent to Take Testimony are effective for the trial date as assigned via brokerage.

VI. SPECIAL ISSUES

1. ☐ The ☐ Father ☐ Mother ☐ Youth is incarcerated. Transportation, or the ability to participate telephonically or through some other means, is to be arranged by counsel for that party.
2. ☐ There are on-going competency issues and a Guardian ad Litem has been appointed for:
3. ☐ There will be a need to arrange appropriate accommodations pursuant to the American with Disabilities Act, that is: _____
4. ☐ An out-of-state witness will be called in this matter.
5. ☐ The following special issues exist: _____

VII. OTHER

CASA requested a colloquy on mother's need for litigation GAL; court conducted colloquy with mother today on the record and determined that she is competent to proceed without a litigation GAL.

Dated: 8/24/20



Judge A. Messitt

☒ Confirmed on the record ☐ approved for entry via emails attached

David La Raus Assistant Attorney General

Myriam Zayas
Jennie Cowan

Mother, *pro se*
Counsel for CASA

EXHIBIT 6

☐ King West ☐ OICW
☐ White Center ☐ MLK
☐ King East ☐ King Southwest
☒ King Southeast ☐ Adoptions/BRS

**Superior Court of Washington
County of King Juvenile Court**

Dependency of:

ACZ
 dob: ACZ

minor child

No: 20-7-00666-0 SEA

Order of Dependency as to the mother, Myriam Zayas

(OROD)

☒ Contested as to ☒ mother ☐ father ☐ other
☒ Disposition Order (ORDD) Included

CLERK'S ACTION REQUIRED

Paragraphs 4.1, 4.3, 4.6 (EDL), 4.15, and the boxes below.

The court will hear an ☒ initial progress review hearing on (date) 12/09/20, at 11:00 a.m. at:

King County Superior Court, Room/Department: Rm. W-719, located at:

☒ King County Courthouse, 516 Third Avenue, Seattle, Washington 98104.

Instructions for the option of attending that hearing virtually will be circulated via email prior to the hearing date.

Additional clerk's action required: Enter the code(s) that apply.

About today's hearing:

Was adequate and timely notice given to the child's caregiver? Yes (CGATN) ☒ No (CGNATN) ☐

Did the court receive a caregiver report? Yes (CGRR) ☐ / No ☒ ☐ The caregiver appeared. N/A

I. Hearing

- 1.1 **Petition:** A petition was filed by DCYF alleging that the above-named child is dependent, and the Court held a hearing on September 21, 22, 28, 29, 30, and October 1, 2020. The Court issued its oral ruling on October 7, 2020.
- 1.2 **Appearance:** The following persons appeared at the hearing (remotely due to COVID protocols):
- | | |
|--|--|
| <input checked="" type="checkbox"/> Mother - Myriam Zayas (<i>See 1.4</i>) | <input type="checkbox"/> Mother's Lawyer- n/a - <i>pro se</i> |
| <input checked="" type="checkbox"/> Child's CASA - Pauline Duke | <input checked="" type="checkbox"/> GAL/CASA's Lawyer - Jennie Cowan |
| <input checked="" type="checkbox"/> DCYF Worker - Jamaal Magee | <input checked="" type="checkbox"/> Agency's Lawyer - David LaRaus |
- 1.3 **Basis:** ☒ The court took evidence and heard testimony as indicated on the record.
- 1.4 The mother intermittently appeared and participated throughout the proceedings, as indicated in the record. The mother Ms. Zayas also periodically sent emails to the parties and the Court, which were admitted into evidence.

Order of Dependency (OROD, ORDYMT) - Page 1 of 11

WPF JU 03.0400 (07/2018) - JuCR 3.7; RCW 13.34.030, .046, .110, .120, .130, .132

01010055

II. Findings

Except where otherwise indicated, the following facts have been established by a preponderance of evidence:

- 2.1 **Child's Indian Status:** ☒ On 9/21/20 and ☒ On 03/17/2020, the court asked each participant on the record whether the participant knows or has reason to know the child is an Indian child.

The petitioner ☒ has ☐ has not made a good faith effort to determine whether the child is an Indian child.

- ☒ Based upon the following, there is not a reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do not apply to this proceeding:

The mother has denied any Native American ancestry, or eligibility for membership in any Federally Recognized Tribe, in this and in prior dependency proceedings. Paternity is not established. There is no reason to believe the child is a member or eligible for membership of any Federally Recognized Tribe.

- 2.2 **Facts:** ☒ The following facts establishing dependency have been proved:

a. Myriam Zayas (DOB: [REDACTED]) is the mother of the child **ACZ** (DOB: **ACZ**). Ms. Zayas is not a service member. No father is listed on the birth certificate for the child, and the father of the child is unknown. Previously the mother had identified [REDACTED] as the child's alleged father, but he was dismissed as a party to a previous dependency for this child (14-7-01695-4 SEA) on 12/31/2014, after genetic paternity testing established that he is not the biological father of **ACZ**.

b. Myriam Zayas is also the biological mother of three other children: **JZ** (DOB: **JZ**), **MBZ** (DOB: **MBZ**) and **CZ** (DOB: **CZ**).

c. On 2/09/20 Myriam Zayas gave birth to **CZ** at the UW Medical Center in Seattle. Hospital employees contacted DCYF due to concerns that Ms. Zayas had inconsistent prenatal care and tested positive on 2/07/20 for methamphetamines. **CZ** was adopted at birth through a private action with the agreement of Ms. Zayas.

d. **MBZ** (DOB: **MBZ**) and **JZ** (DOB: **JZ**) were declared dependent in Pierce County in 2009 (case nos. 09-7-01466-7 / 465-9), on the basis that the mother's use of methamphetamines and alcohol impaired her ability to safely and adequately care for the children. The children were placed out of the home. **JZ** was later returned to the mother's care and the dependency as to her was dismissed. The dependency case for **MBZ** was dismissed after his father obtained a parenting plan placing the child in his care.

e. **JZ** was declared dependent a second time, in King County in 2013 (case no. 13-7-12094-0 SEA). The mother entered an agreed order of dependency on 3/14/14, agreeing to facts providing a basis for dependency that included her continuing use of methamphetamines, despite repeated attempts to engage in treatment. **JZ** was placed in licensed care, and the mother agreed to participate in services including a drug/alcohol evaluation and follow recommendations, urinalysis (UA) testing, and a foster care reunification assessment. **JZ** was not returned to the mother's care during that dependency; the mother participated in the ordered services, but did not engage in regular visitation with the child, and the mother relinquished her parental rights to **JZ** on 1/21/15 (case no. 15-7-00270- SEA).

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f. [REDACTED] ACZ was previously declared dependent in King County as an infant (case no. 14-7-01695-4 SEA). The mother entered an agreed order of dependency as to ACZ on 11/19/14. The mother agreed to facts creating a basis for dependency, including that (summarized): she had a fifteen-year history of substance abuse, particularly of methamphetamines; she had previously completed inpatient and outpatient treatment programs but had relapsed; the mother was currently participating in intensive outpatient treatment and had scheduled an intake for mental health services. As part of that order the mother agreed to participate in random UA tests, ongoing chemical dependency treatment, parent coaching, and a neuropsychological evaluation and to follow any resulting recommendations.

g. During the course of the 2014 dependency case for ACZ the mother participated in services including urinalysis testing, chemical dependency treatment, and parent coaching. She also participated in a neuropsychological evaluation performed by Dr. Paul Connor, to evaluate whether there were biological reasons that multiple treatment efforts had been ineffective in preventing further substance use. Dr. Connor reported that testing of Ms. Zayas' problem-solving and decision-making abilities indicated that these were areas of strength for her, but that if she resumed actively using substances these skills could be significantly and negatively impacted. The dependency case was dismissed by the court on 10/28/15, after the child had been successfully returned home to her mother.

h. The Department filed the current dependency action as to ACZ after attempting to work with the mother following the birth of ACZ. On 02/18/20, CPS Investigator Owens spoke with Ms. Zayas, who reported a history of substance use of methamphetamines starting at age 18, but that the last time she used it was a couple years ago. When asked about her positive test for amphetamines on 2/07/20, Ms. Zayas attributed the result to her having taken Benadryl. When asked if she would complete a urinalysis test for the Department, Ms. Zayas stated she would not do so without a court order. Then on 02/21/20, Investigator Owens received a call from hospital Auburn Medical, reporting concerns of manic and strange behavior by Ms. Zayas. On 2/23/2020, Investigator Owens texted Ms. Zayas regarding her participation in a Family Team Decision Making Meeting (FTDM) scheduled for 2/24/2020. Ms. Zayas replied in curse-and-insult-filled texts, refusing to attend the meeting, and telling the worker that if she continued to contact her the mother would call the police and have the worker charged with harassment.

i. On 2/24/20 Ms. Zayas showed up with ACZ for the FTDM. Ms. Zayas again asserted that her positive UA result at the hospital was due to her taking Benadryl. When confronted with the fact that Ms. Zayas tested positive for methamphetamines and not Benadryl, she stated "what are you going to do about it." Ms. Zayas did agree to do 30 days of UAs, but refused to sign a release of information (ROI) form for the Department to have direct access to the results. When asked if she would like or accept any other services from the department, to help address her medical or mental health needs, and Ms. Zayas responded "hell no."

j. On 03/05/20 the mother provided a UA sample, which tested positive for amphetamines and methamphetamines. On 03/13/20, Investigator Owens informed Ms. Zayas that another FTDM was scheduled for 03/16/20 to discuss that positive UA result. Ms. Zayas stated that the test was incorrect, and that she knew how to defeat a UA test for amphetamines if she had been using them.

k. The Department filed a dependency petition on ACZ and an initial shelter care hearing was held on 3/17/20. The mother was represented at that hearing and contested the need for out-of-home placement for the child. Following a hearing the court ordered that ACZ be placed in licensed foster care. At the hearing the Department recommended that the mother engage in remedial services including drug/alcohol assessment and follow recommendations, random UA testing, mental health evaluation and follow recommendations, and a parenting assessment and follow recommendations. The mother did not agree to having any services ordered at that hearing.

l. Since the initial shelter care hearing on 3/17/20 the mother has provided seven (7) verified UA tests. Of these, the sample collected on 04-23-20 was invalid because it was diluted, the sample collected on 05-13-20 was positive for methamphetamines and amphetamines, and the sample collected on 09-25-20 was positive for methamphetamines and amphetamines. The mother provided the Department with some other tests results she said she had obtained privately, but identification information was redacted and the mother would not provide the Department with an ROI to verify the results. The mother also obtained a drug/alcohol evaluation in April, in which she denied any current use; the evaluation recommended intensive outpatient treatment based on her long history of abuse, but she did not fully complete that treatment. She obtained a subsequent evaluation in September of 2020 that recommended inpatient treatment.

m. Since the initial shelter care hearing on 3/17/20 the mother has been inconsistent in attending available visitation with the child [ACZ] despite the department explaining to her how important it is for the child's emotional welfare for the mother to maintain regular contact with the child. When in-person visitation was suspended due to COVID the mother refused to engage in the available virtual visitation for 6 weeks, despite being provided with a video-ready phone by the Department for that purpose. She would also periodically email the Department stating that visits should be cancelled because she would not participate, but then later she would ask to participate.

n. Since the initial shelter care hearing on 3/17/20 the mother has engaged in concerning behaviors, including appearing at the DCYF office with police and accusing the Department of kidnapping her child, and then (after the police left) threatening to blow up the office and/or kill the assigned social worker, Jamaal Magee, if her child was not returned to her. She is the subject of an anti-harassment order obtained by the initial foster placement for [ACZ] after Ms. Zayas located the foster home via an application in [ACZ] iPad, threatened to demonstrate outside their home, and then (after the child had been removed from the home due to the mother's behaviors) began sending the foster father accusations through his "Linked In" account.

o. On 6/09/20, assigned dependency Judge Messitt conducted a pretrial hearing on the mother's request to represent herself in the dependency proceedings *pro se*, and to determine whether the mother was in need of a litigation Guardian ad Litem pursuant to RCW 4.08.060. The Court found that the mother was competent to proceed without appointment of a GAL, and that the mother met the criteria to allow her to proceed with *pro se* representation. During this trial, despite often inappropriate and erratic behavior, the mother's presentation has reinforced the finding that she does not require a litigation GAL, and that she fully understands the nature and consequences of the proceedings.

p. The mother has been in regular communication with the Department throughout the dependency. She has maintained that there are no safety risks to [ACZ] if returned to her care, and asserts that the Department's actions since the birth of the infant [CZ] are unrelated to any concerns for the child's welfare, but are instead motivated by racism against white women and/or by the Department's desire to obtain federal funding by placing [ACZ] out of the mother's care. The mother has sent pages and pages of accusatory emails to the Department during this period, repeatedly refusing to cooperate with the Department or to acknowledge the legitimacy of any concerns about [ACZ] welfare. The mother has repeated these same allegations in her emails to, and testimony before, the Court. She testified that both she and [ACZ] are "perfect" and are not in need of any services. The mother has consistently argued but has not presented evidence in support of her claims of discriminatory or financial motivations by the Department. To the contrary, the evidence demonstrates that the mother's preoccupation with these theories and lack of priority for the needs of her child impair her ability to adequately meet this child's basic physical, developmental, and emotional needs.

q. [ACZ] attended kindergarten in the classroom of teacher Erin Boyett from September of 2019 until March of 2020, when classes were closed due to COVID. Ms. Boyett had significant

concerns about [ACZ] welfare during that time. [ACZ] would frequently miss school or be late, more than the other children; the mother would report that they overslept or that [ACZ] didn't sleep well so she was keeping her home to sleep. [ACZ] frequently arrived to school tired and hungry, and underdressed for cold weather. [ACZ] frequently mentioned that she could only have pancakes or cold cereal at home, and that she couldn't eat too much or she wouldn't have any food for later; [ACZ] would accept any food that was offered to her, and gathered up leftovers from school lunches to take home.

r. Ms. Boyett's biggest concern, shared by this Court, was that [ACZ] was "so emotionally out of control." [ACZ] struggled to appropriately manage her emotions, often presenting "extreme reactions to minor matters;" she would disrupt the class by yelling and throwing things, or hiding under the table and "completely shutting down." This behavior was unusual compared to the other children in the class; it often resulted after she received any negative feedback (such as being asked wait or not to interrupt), or from receiving attention when she wasn't ready for it. When asked why she was upset, she often responded that she was hungry or tired. Other times she entered class in an escalated emotional state, but when asked the cause she wouldn't want to talk about it. She could generally be refocused if Ms. Boyett gave her a snack and some conversation, but she needed "lots of nurturing attention" and was "very clingy." [ACZ] academic progress was delayed as a result of her poor attendance and her behavioral issues.

s. Ms. Zayas communicated with Erin Boyett on several occasions, including asking Ms. Boyett to apologize to [ACZ] for the mother because "she didn't mean to react that way." Ms. Zayas told Ms. Boyett that at home [ACZ] would run away from her and hide, and it could take a long time to find her, and that Ms. Zayas found [ACZ] behavior difficult to manage. [ACZ] attended daycare before and after school, and sometimes when she found out her mother was going to pick her up from school instead, she would say she didn't want to go with her and wanted to go to daycare.

t. The facts establish that [ACZ] would be in danger of substantial damage to her psychological or physical development in the absence of continued involvement by the Department, and supported by necessary Court authority and oversight. The mother has demonstrated that she will not cooperate with the Department in any voluntary efforts to address these risks.

u. The mother has continued to abuse methamphetamines, which previously impaired her ability to care for her children and resulted in the prior dependency cases for siblings [MBZ] and [JZ] and [ACZ] herself. The exact level of her recent use is unclear, given the mixture of negative, positive, and adulterated UA results. The test results, however, must be viewed in light of the mother's established history of methamphetamine use since age 18. The Court is not persuaded by the mother's insistence that any positive results are due to medications that she has been taking since February. If she has been taking those medications on a daily basis as she testified, and if the medications were responsible for the results, then the results should be consistently positive and they are not. Ms. Zayas also has not provided definitive medical evidence that her specific use of the medication would have resulted in false positives. The use of medications does not explain an adulterated result, which must be viewed in light of the mother's testimony that she knows how to defeat a UA test.

v. Ms. Zayas testified that drug use is not relevant to these proceedings, and that a child would not be removed from a parent for use of legal substances like alcohol or marijuana. While illegality is a factor, severity of use is a more important factor. Whether legal or illegal, use of a substance to the point that it impacts the ability to adequately care for a child is a proper basis to find that court intervention is required.

w. In 2015, Dr. Connor articulated that Ms. Zayas' problem-solving and decision-making abilities could be significantly negatively impacted if she resumed actively using substances. There

is a distinct difference between the mother's ability to cooperate and engage with the Department and service providers at that time, and her current refusal to do so. But regardless of whether or not substance abuse is the ultimate cause, the mother has demonstrated erratic and unpredictable behaviors since the initiation of this dependency action, as well as an inability to consistently make good decisions on behalf of **ACZ**. The Court finds the testimony of GAL Pauline Duke, teacher Erin Boyett, and social worker Jamaal Magee to be especially informative and credible in this regard.

x. At age 6, **ACZ** is entirely dependent on an adult for meeting all of her supervision and care needs. When in the mother's care, however, **ACZ** often was late to or missed school days and frequently came to school hungry and underdressed, demonstrating that her basic care needs were not being met. **ACZ** unusually clingy behavior and excessive need for attention show that her emotional needs were not being fully met in the mother's care. The mother's refusal to participate in visitation for extended times, if not occurring on her preferred terms - despite it being explained how important regular parent contact is to a child's welfare - is an example of the mother's failure to prioritize **ACZ** needs over her own. **ACZ** is at a developmental stage where she needs to be learning healthy ways to deal with frustrations and social interactions. Yet by her impulsive and angry outbursts (for which she asked Ms. Boyett to apologize to **ACZ** on her behalf), the mother has modeled unhealthy behavior that is not only harmful for **ACZ** to experience, but which the child has exhibited, showing her own emotional fragility and delaying her progress in school. When told **ACZ** was hitting other children at school, Ms. Zayas responded "good", she wants **ACZ** to defend herself. Since placement and engaging in counseling, **ACZ** has been doing better with her anger and using her words. The mother has involved **ACZ** in inappropriate conversation of adult subjects, such as her belief that DCYF kidnapped the child, causing **ACZ** to become confused and upset. Treating **ACZ** as a confidant and talking with her as an adult about the mother's problems with DCYF is not an appropriate burden to put on a child, who looks to the parent to provide stability and security. **ACZ** is too young to self-protect or to reliably report any problems she may be experiencing in the mother's home that need remedial attention. This is compounded by the mother admittedly instructing her not to discuss her home life with others, an instruction that **ACZ** has followed such as when she told Mr. Magee, "Mom says I can't talk about that" after he asked about her home life. It is very concerning for a parent to prevent a child from providing the limited information a child might express about her needs, especially in light of the evidence that **ACZ** regularly has experienced hunger, being tired, and anxiety.

y. Both before and during trial, Ms. Zayas has not shown an appreciation of why the above-listed behaviors are inappropriate or constitute parenting deficits. Instead, she has insisted that she and **ACZ** are "perfect," she deflects from her behaviors by attacking the Department and other participants in the dependency proceedings, and the proceedings themselves. There is no question that Ms. Zayas loves her daughter and she is fiercely protective of her autonomy. But unlike **ACZ** first dependency case - in which the mother worked with the Department and providers to secure **ACZ** return - Ms. Zayas now consistently declares that she won't participate in any services to try to remedy behaviors underlying this dependency action. This opposition contradicts a motivation to place **ACZ** needs above her own.

z. The mother is not a credible witness or a reliable reporter of historical events. It is not clear how much of this is due to intentional misrepresentation and how much is due to her emotional volatility, exhibited during trial, that obstructs her ability to accurately assess and report the facts. Ms. Zayas also denies basic facts that are clearly established, such as her contention that the initial shelter care hearing did not occur, although it is of record that it did occur and Ms. Zayas participated. In this proceeding, Ms. Zayas has denied ever using methamphetamines in the past, asserts that **MBZ** dependency proceeding was due to a dog bite, and argues that **ACZ** first dependency action was due to her losing housing for three weeks. Dependency records refute these claims.

- 2.3 **Statutory Basis:** ☒ The child is dependent according to RCW 13.34.030(6), in that the child:
- ☐ (a) has been abandoned, as defined in RCW 13.34.030;
 - ☐ (b) is abused or neglected, as defined in Chapter 26.44 RCW, by a person legally responsible for the care of the child; and/or
 - ☒ (c) has no parent, guardian or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

2.4 **Placement:**

- ☒ It is currently contrary to the child's welfare to return home. The child should be placed or remain in the custody, control and care of ☒ DCYF ☐ a relative ☐ an other suitable person for the following reasons:
- ☒ there is no parent or guardian available to care for the child; and/or
 - ☐ the parent or guardian is unwilling to take custody of the child; and/or
 - ☐ the court finds by clear, cogent and convincing evidence that a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home, and an order under RCW 26.44.063 will not protect the child from danger.
- ☒ The child should be placed or remain in:
- ☐ Relative placement.
 - ☐ Placement with a suitable person
 - ☐ person with whom the child's siblings or half-siblings live.
 - ☒ Licensed care:
 - ☐ pending completion of DCYF investigation of relative placement options.
 - ☒ because there is no relative or other suitable person who is willing, appropriate, and available to care for the child, with whom the child has a relationship and is comfortable.
 - ☐ because there is reasonable cause to believe that relative placement would jeopardize the safety or welfare of the child; and/or hinder efforts to reunite the parent(s) and child.
 - ☐ The child is an Indian child as defined in RCW 13.38.040, and this placement complies with the placement priorities in RCW 13.38.180, and 25 U.S.C. § 1915.

2.5 **Reasonable Efforts:**

- ☒ DCYF made reasonable efforts to prevent or eliminate the need for removal of the child from the child's home; but those efforts were unsuccessful because:
- ☒ The health, safety, and welfare of the child cannot be adequately protected in the home.
 - ☒ Specific services have been offered or provided to the parent and have failed to prevent the need for out-of-home placement and make it possible for the child to return home. The following services have been offered or provided to the child and the child's parent(s): ☒ see facts para. 2.2 above
 - ☒ The whereabouts of the unknown father are unknown.
- ☐ Reasonable efforts are not required at this time to attempt to reunify the child with his/her parent(s), guardian or legal custodian because:
- ☐ The child has been abandoned.
 - ☐ Aggravated circumstances exist
- ☐ The court ordered the child removed from the home and DCYF has recommended that a petition be filed seeking termination of the parent-child relationship

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2.6 **Sibling contact:** N/A – no siblings under court jurisdiction

2.7 **Child's school:**

☒ The court found that the child should be removed from the home pursuant to RCW 13.34.130(1)(b) and placed into out-of-home care. A placement that allows the child to remain in the same school he or she attended prior to the start of the dependency proceeding ☒ is ☐ is not practical and ☒ is ☐ is not in the child's best interests.

☐ [educational liaison - N/A due to age]

III. Conclusions of Law

3.1 **Jurisdiction:** The court has jurisdiction over: ☒ the child
☒ the mother

3.2 **Notice:** The following have received timely and proper notice of these proceedings:
The ☒ mother ☐ father ☐ child if 12 or older.

3.3 **Default:** N/A

3.4 **Dependency:** ☒ The child should be found dependent pursuant to RCW 13.34.030.

3.5 **Termination petition:** ☐ A termination petition should be filed pursuant to RCW 13.34.132.

IV. Order

4.1 **Dependency:** ☒ The child is dependent pursuant to RCW 13.34.030(6) ☐ (a) ☐ (b) ☒ (c).

4.2 **Social study:** ☒ DCYF has conducted a social study, dated 9/21/20, a report of which was filed and provided to the parties and to the Court.

4.3 **Disposition hearing:** ☒ A disposition hearing has been held.

4.4 **Placement:**

- ☒ The child is placed in the custody, control and care of DCYF, which shall have the authority to place and maintain the child in:
- ☐ Relative placement with _____ (name).
 - ☐ Placement with a suitable person: _____ (name).
 - ☐ The home of a person with whom the child's siblings or half-siblings live.
 - ☒ Licensed care:
 - ☐ pending completion of DCYF investigation of relative placement options.
 - ☒ because there is no relative or other suitable person with whom the child has a relationship and who is willing, appropriate and available to care for the child.
 - ☐ because there is reasonable cause to believe that relative placement or placement with a proposed other suitable person would jeopardize the safety or welfare of the child and/or hinder efforts to reunite the parent(s) and child.

Absent good cause, DCYF shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260.

4.5 **Services:** Services for the mother entered pursuant to RCW 13.34.130 are as follows:

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[any evaluation must comply with RCW 13.34.370]:

A. Drug/alcohol evaluation and follow treatment recommendations

- The parent's compliance shall be based upon making the initial appointment, completing all steps necessary to complete the evaluation, and enrolling in and successfully completing any recommended treatment program. Progress will be verified by reports from the service provider.
- The evaluation completed by the mother at STOP in September of 2020 may satisfy this requirement. If not, the evaluation shall be initiated within 30 days of the date of this order and completed as recommended by the treatment provider.

B. Random urinalysis 1x/week for 90 days and the Department may request an additional random UA up to 6 times per month upon suspicion of use

- The parent's compliance with this requirement shall be based upon attendance at all required UAs and consistent negative results. An unexcused missed appointment, violation of program rules, or diluted UA shall be deemed a positive result.
- The parent shall refrain from all legal and illegal intoxicating substance use during the UA period. Any results showing use will be considered a positive UA unless a valid prescription is provided to the collector at the time of collection of the sample.
- Participation in this service shall begin immediately.
- This requirement shall be completed after 90 days of clean, not missed, not diluted UAs.
- Responsibility for payment: The Department, if at an agency referred to by the Department.
- Upon suspicion of use, the Department may request an additional UA, up to 6 per month. The parent shall submit to the UA within a reasonable amount of time of the referral, no more than 24 hours after the request for the UA submission. If the UA request is made by 9:00 a.m. the parent shall submit to the UA the same day unless otherwise agreed by the social worker.

C. Psychological Evaluation with Parenting Component and follow all recommendations

- The parent's compliance with the assessment will be evaluated based upon the parent's cooperation in selecting a mutually agreed upon provider in a timely fashion; the participation in and cooperation with the assessment in a timely fashion; and the compliance with recommended services, if any. The assessment may include direct observation of the parent and child together, a parenting and family history, collateral contacts, review of records, and standardized testing.
- The assessment is to be scheduled by the parent within thirty (30) days of the date of this order. The assessment is to be completed within ninety (90) days of the date of this order, as allowed by the schedule of the provider. Any services recommended are to be initiated promptly.
- The Department shall pay for the assessment.

D. Upon Imminent Reunification: evidence-based in-home parenting service

- The parent's compliance with the service will be evaluated based upon the parent's participation in and cooperation with the provider's assessment of any support needs to assist in the safe and healthy transition of the child back into the mother's care.
- The Department shall pay for the service.

E. Cooperate with establishment of paternity

- Parent is to contact Family Support Division of King County Prosecutor's Office at King County Courthouse, 516 3rd Avenue, Seattle, WA 98104, telephone (206) 296-9020 OR 610 W. Meeker Street, Suite 203, Kent, WA 98032, telephone (206) 296-9595, and

provide child(ren)'s name and dependency cause number(s). Parent shall provide the prosecutor's office a copy of the shelter care hearing or other court order ordering paternity be established. Parent shall set up and attend paternity interview if requested.

- Parent's compliance with above requirement will be evaluated based on their cooperation with the prosecutor's office; appearance and cooperation in the paternity action; and participation in genetic testing if necessary. Service shall be deemed completed upon entry of a final court order determining paternity. Parent shall keep the Department apprised of status of parentage action.
- Service to begin: upon identification of a specific individual as a potential biological father to the child. Service to be completed: as soon as possible after identification.
- Responsibility for payment: As determined by the prosecutor's office.

- ☒ DCYF shall provide and the child shall participate in the following examinations, evaluations, or services:

All necessary medical appointments; continue in therapy as recommended by provider.

- ☐ The child is 12 or older and ☐ agrees to the services ☐ was notified of the services ☐ was notified that he/she may request an attorney.

- 4.6 ☐ Educational Liaison – N/A due to age.

- 4.7 **Visitation:** ☒ The specific visitation plan between the child and mother shall be as follows:

Two visits per week for 2 hours per visit, supervised by DCYF or designee; visits to occur at DCYF offices.

- ☒ Visitation between the mother and the child may be expanded upon agreement of the parties.

- ☐ The specific plan for visitation or contact between the child and child's siblings shall be:
n/a – no siblings under court jurisdiction

- 4.8 **Restraining Order:**

- ☐ The court entered a separate restraining order pursuant to RCW 26.44.063.

- 4.9 **Parental Cooperation:** The parents shall cooperate with reasonable requests by DCYF and provide DCYF with income and asset information necessary to establish and maintain the child's eligibility for medical care, evaluations, counseling and other remedial services, foster care reimbursement, and other related services and benefits.

- 4.10 **Health Care:** DCYF with custody of the child shall have full power to authorize and provide all necessary, routine and emergency medical, dental, or psychological care as recommended by the child's treating doctor or psychologist, subject to review by the court, as needed.

- 4.11 **Release of Information:** All court-ordered service providers shall make all records and all reports available to DCYF, attorney for DCYF, parent's attorney, the guardian ad litem and attorney for the child. Parents shall sign releases of information and allow all court-ordered service providers to make all records available to DCYF and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DCYF may be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.

DCYF may continue to make reasonable efforts to locate and investigate an appropriate relative or other suitable person who is available and willing to care for the child, and is authorized to share information about the child, as necessary, with potential relative or other suitable person placement resources to determine their suitability and willingness as a placement for the child.

- 4.12 **Reports:** DCYF shall submit a report for the next review hearing to the court and to the parties in a timely manner.
- 4.13 **Termination Petition:** N/A
- 4.14 **Child's Indian Status:** Any party who subsequently receives information that provides a reason to know the child is an Indian child under 25 C.F.R. § 23.107 shall inform the court.
- 4.15 All parties shall appear at the next scheduled hearing (see page one).
- 4.16 **Other:**
☒ The permanent plan for the child is to return home to the ☒ mother ☐ father ☐ other:

☒ DCYF is authorized to consent to travel by the child with their licensed foster parent/relative caregiver/other suitable person placement for up to two weeks within Washington State or to other states within the United States. If the travel will interfere with scheduled visits between the child and a parent, DCYF shall give 10 calendar days' notice to that parent so that a plan for make-up visits can be made. The licensed foster parent/relative caregiver/other suitable person placement may consent to emergency medical and dental care during these trips.

Dated: **October 8, 2020.**

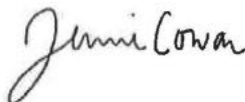

 Judge JUDITH H. RAMSEYER

Presented by:

/s/ David La Raus

David La Raus, WSBA #33715
 Assistant Attorney General

Copy Received; Approved for Entry;



Declined to sign – see attached email
 Signature of **Mother, Myriam Zayas**
☒ Pro Se, Advised of Right to Counsel

Signature of Lawyer for the Child's GAL
 Jennie Cowan, WSBA # 40323

Notice: A petition for permanent termination of the parent-child relationship may be filed if the child is placed out-of-home under an order of dependency. (RCW 13.34.180.)

From: M. Zayas <ACZ_angel@gmail.com>
Sent: Thursday, October 08, 2020 10:52 AM
To: La Raus, David W (ATG) <david.laraus@atg.wa.gov>
Cc: Myriam Zayas- School <myriam.zayas@bellevuecollege.edu>; Cowan, Jennie <jcowan@kingcounty.gov>; Court, Ramseyer <Ramseyer.Court@kingcounty.gov>
Subject: Re: proposed order for entry following trial 20-7-00666-0 SEA Curnal-Zayas

[EXTERNAL]

F*** you f*** the casa f*** the judge f*** all of you I will never do what you say go f*** yourself and bury yourself in a ditch because you're getting sued all of you are being sued and you're all not going to have a job next year at this time I guarantee it watch I will make sure of it.

On Thu, Oct 8, 2020, 10:11 AM La Raus, David W (ATG) <david.laraus@atg.wa.gov> wrote:
Greetings to the Court,

Please see the attached proposed order for entry following the court's oral ruling yesterday. This order has been approved for entry by Ms. Cowan on behalf of CASA. However based upon the response of Ms. Zayas, below, it does not appear that she will agree to sign off on the order, or identify specific disagreements with the contents of the order for discussion by the parties.

Sincerely,
David La Raus
Assistant Attorney General
Division of Social & Health Services, Seattle
800 5th Ave. Ste. #2000
Seattle, WA 98164
(206) 464-7470
fax (206) 464-6338

NOTE: THIS EMAIL TRANSMISSION IS INTENDED ONLY FOR THE ADDRESSEE SHOWN ABOVE. IT MAY CONTAIN PRIVILEGED ATTORNEY-CLIENT COMMUNICATION OR ATTORNEY WORK PRODUCT, OR OTHER INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, OR OTHERWISE PROTECTED FROM DISCLOSURE. ANY REVIEW, DISSEMINATION, OR USE OF THIS TRANSMISSION OR ITS CONTENTS BY PERSONS OTHER THAN THE ADDRESSEE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE DESTROY AND NOTIFY SENDER IMMEDIATELY BY EMAIL OR TELEPHONE AT THE ABOVE NUMBER. THANK YOU.

From: M. Zayas <ACZ_angel@gmail.com>
Sent: Thursday, October 08, 2020 9:21 AM
To: La Raus, David W (ATG) <david.laraus@atg.wa.gov>
Cc: Myriam Zayas- School <myriam.zayas@bellevuecollege.edu>; Cowan, Jennie <jcowan@kingcounty.gov>; Magee, Jamaal (DCYF) <jamaal.magee@dcyf.wa.gov>; Duke, Pauline <Pauline.Duke@kingcounty.gov>
Subject: Re: proposed order for entry following trial

[EXTERNAL]

01010066

YOU TOLD ERIN BOYETT TO LIE ON THE STAND THATS PERJURY AND I HAVE THE PROOF
SHE IS BEING SUED, SO ARE ALL OF YOU STOP FUCKING EMAILING ME

From: La Raus, David W (ATG)
Sent: Thursday, October 08, 2020 9:16 AM
To: Myriam Zayas- School <myriam.zayas@bellevuecollege.edu>; 'M. Zayas'
<ACZ_angel@gmail.com>
Cc: 'Cowan, Jennie' <jcowan@kingcounty.gov>; Magee, Jamaal (DCYF)
<jamaal.magee@dcyf.wa.gov>; Duke, Pauline <Pauline.Duke@kingcounty.gov>
Subject: proposed order for entry following trial

Hello Ms. Zayas,

You left the court hearing early yesterday, before the procedure for entering a written order had been discussed.

I have attached a proposed order for submission the court, which has been reviewed and "approved for entry" by Ms. Cowan. That means that she agrees that it accurately reflects what the court has ordered, and the evidence that was presented at the trial.

Since you are representing yourself, please review the order, and then
- if you also approve the order for entry, please sign it and email a scanned copy of the signature page back to me, or
- if you do not approve this order for entry, please specify why not.
<< File: OrdFFCLDpyTrial-CZ.docx >>

Sincerely,
David La Raus
Assistant Attorney General
Division of Social & Health Services, Seattle
800 5th Ave. Ste. #2000
Seattle, WA 98164
(206) 464-7470
fax (206) 464-6338

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EXHIBIT 7

CLERK'S MINUTES

SCOMIS CODE: SCCHRG

Pro Tem Commissio Ann Danieli
Bailiff: Linda Nguyen
Court Clerk: Tara Shoemaker
Digital Record: DR 1L
Start: 9:57:47
Stop: 10:29:56

Dept. PRO
Date: 3/17/2020

KING COUNTY CAUSE NO.: 20-7-00666-0 KNT

IN RE THE DEPENDENCY OF: ACZ

Appearances:

State's Attorney: Sebastian Miller
Mother is present, represented by counsel, Hannah Gold
Caseworker / Social Worker: Kelsey Owens is present

MINUTE ENTRY

This cause comes on for 72 Hour Shelter Care Hearing as to:
Mother: Shelter Care: Contested, Placement: Contested, Visitation: Contested
9:59:38 Kelsey Owens is sworn and examined on behalf of the State
10:04:50 Cross examination
State rests
10:15:02 Hannah Gold presents an offer of proof as to the mother
Mother rests
10:18:52 Parties present closing argument

THE COURT FINDS:

The Child(ren) is / are not an Indian child as defined by the statute.
Mother is not in the military.

IN RE THE DEPENDENCY OF: [REDACTED] ACZ
King County Cause No. 20-7-00666-0 KNT

AS TO SHELTER CARE:

- ☒ The petitioner made reasonable efforts to prevent or eliminate the need for removal child from child's home.
- ☒ It is currently contrary to the welfare of the child to remain in or return home and shelter care is needed.

AS TO PLACEMENT:

Child(ren) shall be placed in: Licensed Foster Care

AS TO VISITATION:

Visitation of the Mother shall be: 2 times per week for 2 hours supervised by DCFS or designee with authorization to liberalize.

Other visitation as follows:

OTHER FINDINGS:

All service providers to be mutually agreed upon and parties shall follow all treatment recommendations.

DCFS / CASA shall have access to child(ren)'s medical records.

Notice is given to parent(s) / child(ren) of 30-Day Shelter Care Hearing.

Order and Authorization Re Health Care and Education is signed.

Parties to sign release of information to all service providers (copies to DCFS /CASA).

☐ Parties shall cooperate in establishing paternity and is required to undergo DNA Testing

☐ No contact between:

☐ The child(ren) should remain in current school, if of school age.

☒ Attorney / GAL / CASA to be appointed

☐ The Court further orders:

Prior Order(s) remain in full force and effect except as amended by this order.

NEXT HEARING: Mediation: TBD

Orders to be presented

EXHIBIT 8



2200 Sixth Avenue, Suite 425, Seattle, WA 98121 • 206.389.9321 • Toll Free: 855.329.0919

2208 North 30th Street, Suite 202, Tacoma, WA 98403 • 253.627.6401 • Toll Free: 800.649.2034

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(From Audio Recording)

March 17, 2020

In RE DEPENDENCY OF **ACZ** v.

20-7-00666-0 KNT

Thank you for choosing BA Litigation Services for your court reporting, legal video, and deposition technology needs. It is always our goal to provide you with exceptional service. If there is anything we can do to assist you, please don't hesitate to let us know.

Sarah Fitzgibbon, CCR
Vice President



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In RE DEPENDENCY OF [REDACTED] ACZ
Verbatim Report of Proceedings, - March 17, 2020

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

2 IN AND FOR THE COUNTY OF KING

3
4 IN RE THE DEPENDENCY OF [REDACTED] ACZ
5 [REDACTED] ACZ ,

)
)
) No. 20-7-00666-0 KNT
)
)
)

6
7
8 VERBATIM REPORT OF PROCEEDINGS
9

10
11
12
13
14 APPEARANCES :

15 FOR THE DEPARTMENT: SEBASTIAN MILLER
16 ASSISTANT ATTORNEY GENERAL

17 FOR THE MOTHER: HANNAH GOLD
18 ATTORNEY AT LAW
19
20
21

22 Before the Honorable Ann Danieli

23 March 17, 2020
24 Kent, Washington

25 Jamie Booker, RPR, CCR jamiebooker229@gmail.com

In RE DEPENDENCY OF [REDACTED] ACZ
Verbatim Report of Proceedings, - March 17, 2020

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TRIAL INDEX

WITNESS

Kelsey Owens	
Direct Examination by Sebastian Miller	4
Cross Examination by Hannah Gold	10

Jamie Booker, RPR, CCR jamiebooker229@gmail.com

In RE DEPENDENCY OF [REDACTED] ACZ
Verbatim Report of Proceedings, - March 17, 2020

Page 3

1 TUESDAY, MARCH 17, 2020; KENT, WASHINGTON

2 --oo0oo--

3 COURT STAFF: [REDACTED] Cause

4 No. 20-7-00666-0. If parties will please put
5 themselves on the record, beginning with madam social
6 worker.

7 KELSEY OWENS: Kelsey Owens, CPS
8 investigator.

9 SEBASTIAN MILLER: And Sabastian Miller,
10 attorney with the Department.

11 HANNAH GOLD: Hannah Gold representing the
12 mother.

13 Go ahead and say your name.

14 MERRIAM ZAYAS: Merriam Zayas (phonetic), the
15 mother.

16 THE COURT: So good morning.

17 MERRIAM ZAYAS: Hi.

18 THE COURT: So we're all advised to stay six
19 feet away from each other so --

20 MERRIAM ZAYAS: Oh.

21 THE COURT: I know it's hard when you're
22 trying to confer with your attorneys, but --

23 (Indiscernible crosstalk.)

24 THE COURT: -- you know, it's for everyone's
25 own good.

COLLOQUY

1 So we're here for shelter care hearing. And so
2 what are the parties doing?

3 Ms. Gold, I'll turn it over to you.

4 HANNAH GOLD: Sure.

5 So we are asking for no shelter care and placement
6 with mom. We're also asking, if the Court does find
7 shelter care and places out of mother's care, that
8 visits be four hours two times a week with the
9 understanding that, if **ACZ** ends up back in school
10 which she might. School -- depending on what happens
11 with this system -- that we may need to reassess that
12 timing. But she's not in school currently so we're
13 asking for a little more visitation and to be able to
14 bring -- this is unusual -- but to be able to bring
15 **ACZ** puppy to the visits because that's important to
16 her.

17 THE COURT: Okay. So -- let's back up. So
18 are you contesting shelter care?

19 HANNAH GOLD: We are. But --

20 THE COURT: Yeah. Okay.

21 HANNAH GOLD: -- we want -- we are also --
22 try to make a -- I think we're trying to propose some
23 specifics --

24 THE COURT: Okay.

25 HANNAH GOLD: -- if shelter care is found
COLLOQUY

In RE DEPENDENCY OF [REDACTED] ACZ
Verbatim Report of Proceedings, - March 17, 2020

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1 that include visit changes and also the ability to
2 bring the issue of placement back at the 30-day. Just
3 to clarify that that --

4 THE COURT: Okay.

5 HANNAH GOLD: -- is an ability.

6 THE COURT: So you're getting way ahead of
7 what -- let's just do the shelter care and then take it
8 from there.

9 HANNAH GOLD: Okay.

10 THE COURT: Okay. So are you ready to
11 proceed?

12 SEBASTIAN MILLER: Yes, Your Honor.

13 THE COURT: Okay.

14 So call your first witness.

15 SEBASTIAN MILLER: Would you mind swearing
16 her in, Your Honor.

17 Can you say your last name?

18 KELSEY OWENS: Owens.

19 SEBASTIAN MILLER: Owens?

20 KELSEY OWENS: Yes.

21 THE COURT: Do you swear or affirm that the
22 testimony you give today will be the truth, the whole
23 truth, and nothing but the truth?

24 KELSEY OWENS: Yes.

25 THE COURT: Okay.
Kelsey Owens/By Sebastian Miller (Direct)

In RE DEPENDENCY OF **ACZ**
Verbatim Report of Proceedings, - March 17, 2020

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DIRECT EXAMINATION

BY SEBASTIAN MILLER:

Q. And can you state your name for the record, please?

A. Kelsey Owens.

Q. And are you the assigned social worker for **ACZ**

ACZ?

A. Yes.

Q. Am I saying that right?

A. It's **ACZ**

(Indiscernible crosstalk.)

Q. **ACZ**. Sorry.

And are you requesting shelter care today?

A. Yes.

Q. And did you -- did you write a petition related to this matter?

A. Yes.

Q. And do you adopt that petition as true and accurate?

A. Yes.

Q. And do you adopt that petition into your testimony today?

A. Yes.

Q. And without going too into the details of what is already provided in the petition, can you briefly state what safety concerns you have with the child remaining in the mother's care?

Kelsey Owens/By Sebastian Miller (Direct)

1 A. The safety concern is that mother currently has
2 substance use with methamphetamines, and she has
3 reported that she is diagnosed with congestive heart
4 failure. And so, if she was to continue her substance
5 use, it could lead to death, which is a concern as that
6 having a five-year-old in the home and she is the only
7 caregiver for that child.

8 Q. And what supports this thought that the mother might be
9 using methamphetamines?

10 A. On 3/5, mom tested positive for methamphetamines.

11 Q. And have you --

12 THE COURT: So, counsel, year.

13 SEBASTIAN MILLER: Oh, sorry.

14 BY SEBASTIAN MILLER:

15 Q. Can you state what year that was?

16 A. The 2020.

17 Q. So this was -- you're referring to March of this year.

18 A. Yes.

19 Q. So approximately a week and a half ago?

20 A. Almost --

21 Q. Almost two weeks ago?

22 A. Yeah.

23 Q. And have you ever discussed methamphetamine use with
24 the mother?

25 A. Yes.

Kelsey Owens/By Sebastian Miller (Direct)

Q. And how did those discussions go? Just briefly.

A. When we first -- when I first got my intake, mom said it was Benadryl. And then when we had her FTDM, she again stated it was Benadryl and said that she would do UAs for the Department. But when asked again about the methamphetamine testing positive during admission to the pregnancy that she had, she said, "So what are you gonna do about it?"

Q. And has -- have you tried to offer the mother any services?

A. Yes. And she said she will not do any services for the Department except UAs.

Q. And what --

THE COURT: So let's hang on a second.

So did your client need, like, a pad and paper to communicate with you?

HANNAH GOLD: I've offered, but --

(Indiscernible crosstalk.)

MERRIAM ZAYAS: No. I already -- I --

HANNAH GOLD: Wait.

MERRIAM ZAYAS: I know.

HANNAH GOLD: She's just --

THE COURT: Okay. All right.

HANNAH GOLD: -- reacting.

MERRIAM ZAYAS: I'm sorry.
Kelsey Owens/By Sebastian Miller (Direct)

1 THE COURT: That's okay. I just don't -- I
2 mean, it makes it hard to communicate so I thought
3 maybe we could offer you pad and paper.

4 (Indiscernible crosstalk.)

5 HANNAH GOLD: -- closer if you need to. I
6 don't mind.

7 THE COURT: Okay.

8 All right. Go ahead, counsel.

9 BY SEBASTIAN MILLER:

10 Q. And what services -- what other services other than UAs
11 had you attempted to offer?

12 A. Well, mom refused during my investigation any other
13 services other than UAs.

14 I know when there was a prior Family Assessment
15 Response case -- I believe it was in July -- she was
16 offered Homebuilders, and she declined Homebuilders.

17 Q. So just -- mother has a history with the Department
18 involving other children?

19 A. Yes.

20 Q. And can you just briefly summarize that history?

21 A. There is one child that was legally free. Her name's
22 **JZ**. **MBZ** and **ACZ** were both in prior
23 dependencies, and **MBZ** was returned home to the
24 father, and **ACZ** was returned home to mom.

25 Q. And relating to the father of **ACZ** do you know who
Kelsey Owens/By Sebastian Miller (Direct)

1 the father of [REDACTED] ACZ is?

2 **A. No.**

3 Q. And have you been able to look on the birth
4 certificate?

5 **A. There is nobody on the birth certificate.**

6 THE COURT: No what?

7 KELSEY OWENS: There is no name on the birth
8 certificate.

9 THE COURT: Okay.

10 BY SEBASTIAN MILLER:

11 Q. And have you attempted to ask the mother who the father
12 is?

13 **A. Yes.**

14 Q. And were you able to get any information as to that?

15 **A. It's not known.**

16 Q. Are you going to continue to make efforts as to
17 identify who the father of [REDACTED] ACZ is?

18 **A. Yes.**

19 Q. I -- and, to your knowledge, does the Indian Child
20 Welfare Act apply to this matter?

21 **A. No.**

22 Q. And what are you basing that off of?

23 **A. Mom has reported no Native American ancestry, and we**
24 **don't know who the father is.**

25 SEBASTIAN MILLER: I don't have any further
Kelsey Owens/By Sebastian Miller (Direct)

1 questions at this time, Your Honor. I believe the
2 petition has sufficient information.

3 THE COURT: Right. And you're asking?

4 SEBASTIAN MILLER: So -- oh, and just one
5 more question. Or two more questions, actually.

6 BY SEBASTIAN MILLER:

7 Q. Where -- what is the placement you're recommending?

8 THE COURT: Okay.

9 KELSEY OWENS: We are asking for licensed
10 foster care.

11 BY SEBASTIAN MILLER:

12 Q. And what is the visitation that you're recommending for
13 the mother --

14 **A. We're recommending a minimum of two times a week for**
15 **two hours supervised by either the caregiver or the**
16 **Department.**

17 SEBASTIAN MILLER: No further questions, Your
18 Honor.

19 THE COURT: Okay. And then, as to the
20 father, you're asking the Court to have default on
21 unknown father?

22 SEBASTIAN MILLER: Yes.

23 THE COURT: Okay. All right.

24 Any questions?

25 HANNAH GOLD: Yes, Your Honor.

CROSS-EXAMINATION

BY HANNAH GOLD:

Q. So I believe this case started because there was an intake on February 18th, 2020; is that correct?

A. I don't remember the exact date. I do know it was in February, though.

Q. Okay. And it was an intake from MultiCare --

(Indiscernible crosstalk.)

A. No. That -- that was a screened out intake. I believe it was actually --

Q. Okay.

A. -- February 9th.

Q. Oh, I see. Okay.

And that February 9th intake was because the mother had had a newborn that she was giving up for adoption; correct?

A. So the intake was because she tested positive at admission regarding the newborn, yes.

Q. Okay. And just to be clear, with that newborn, she gave the -- that -- gave the newborn up for adoption voluntarily, and CPS was not involved with that child.

A. That is correct.

Q. Okay. So there was an additional intake on -- on February 18th after that -- that initial one on this case; correct?

1 A. It -- it's a screened out, but yes. Right.

2 Q. And in that intake, it was because the mother left the
3 hospital after having some medical issues; correct?

4 A. Yes.

5 Q. And the -- the hospital referrer had seen **ACZ** when
6 making that intake; right?

7 A. Yes.

8 Q. And she noted that **ACZ** looked clean, well-groomed,
9 fed, and happy. Is that correct?

10 A. Yes.

11 Q. And **ACZ** was with the mother at that point.

12 A. Yes.

13 Q. Okay. And -- and the care -- or the referrer noted
14 that the mother was of sound mind when she left the
15 hospital.

16 A. (inaudible).

17 Q. Okay. And you said -- you just testified briefly that
18 your concern was that the mother's medical -- with the
19 mother -- mother's medical condition, continuance of
20 substance use -- continue -- continuing uses of
21 substances would lead to death; is that correct?

22 A. It can per her (indiscernible).

23 Q. Okay. And the mother has produced three UAs that
24 you've provided to us; is that right?

25 A. Yes.

1 Q. Okay. And one of the UAs was on -- let's see --

2 **A. I believe it was the 24th was the first one.**

3 Q. February 24th. And that was negative for all
4 substances; right?

5 **A. Yes.**

6 Q. And then the one you referred to was March 5th?

7 **A. Yes.**

8 Q. And that one was positive for amphetamine?

9 **A. And methamphetamine.**

10 Q. And methamphetamine.

11 And then the most recent one was March 11th. So a
12 little less than a week ago; right?

13 **A. Yes.**

14 Q. And that one was negative for all substances as well.

15 **A. Yes.**

16 Q. Okay. And so while there was a positive UA, there's no
17 indication that the mother is using consistently if
18 she's had multiple negative UAs; is that correct?

19 **A. I would refer to the petition where she mentions how
20 she would get a clean UA for the Department.**

21 Q. Okay. And the mother is -- so the mother's on
22 medication for these heart issues; right?

23 **A. Yes.**

24 Q. And have you researched whether that medication could
25 cause a false positive for the UAs?

1 A. I contact -- oh, I had my coworker contact Cordant this
2 morning --

3 Q. Uh-huh.

4 A. -- regarding the UA, as mom brought it to my attention
5 last night of her medication. And they said that it
6 would not test positive for methamphetamines.

7 Q. Okay. And is the mother's UA referral outstanding
8 still? Is it still open?

9 A. I believe it is still open, yes.

10 Q. Okay. You -- I think it was you had a call with Steven
11 Baldwin. Or no. I'm sorry. That was a different
12 social worker.

13 Have you ever interacted with Steven Baldwin?

14 A. No.

15 Q. Do you -- are you aware of who he is?

16 A. No.

17 Q. Okay. So your discovery provides some information
18 about a man named Steven Baldwin who's a family friend.

19 Did you review your discovery that you produced
20 today?

21 A. I (inaudible) over it.

22 Q. Okay. Did you read the -- the documents from Mariah
23 Crouse (phonetic)?

24 A. Not thoroughly, no.

25 Q. So when I asked you about Steve Baldwin, you don't have

any recollection of who he is.

A. No.

Q. Would there be documents that might -- that might help you with that?

A. (indiscernible).

Q. I can provide them to you.

Would it refresh your recollection to look at -- at your notes? Okay.

Okay. And so your coworker, Ms. Crouse, spoke with Steven Baldwin at one point; correct?

A. Yes.

Q. And Steven is a family friend?

A. Yes.

Q. All right. And Steven reported that [REDACTED] ACZ and the mother -- I'm sorry. Let me repeat that.

Steven stated that Merriam is great with [REDACTED] ACZ and that they're very bonded? Okay.

And that he's a support for the family?

And they celebrate holidays and birthdays together?

Okay.

A. Yes.

Q. And then you spoke with [REDACTED] ACZ teacher; correct?

A. Yes.

Q. And that was on February 11th looks like? Does that

1 sound about right?

2 **A. (indiscernible).**

3 Q. Okay. And **ACZ** teacher, Aaron, reported that the
4 mother is an open book; correct?

5 **A. Yes.**

6 Q. And what does that mean to you?

7 **A. Well, she had mentioned that she -- she's very open**
8 **about talking about things that are going on.**

9 Q. Okay.

10 THE COURT: Talking about what?

11 KELSEY OWENS: About things that are going
12 on. Like, the adoption and --

13 BY HANNAH GOLD:

14 Q. So it sounds like she -- the teacher is indicating that
15 the mother's been honest with her about some personal
16 issues that were going on.

17 **A. Yeah.**

18 Q. Okay. And that the mother is -- sounds like asks for
19 help from the teacher for things like food?

20 **A. I mean, I can't say that she asks specifically the**
21 **teacher. I know that schools do, do the bag**
22 **(indiscernible) on the weekends in general.**

23 Q. And that the -- this family participated in that.

24 **A. Yes.**

25 Q. Okay. Let's see.

1 And then you spoke with **ACZ** -- or **ACZ**. I'm
2 sorry -- on March 12th; correct? Does that sound
3 right?

4 So you met with **ACZ** at school.

5 **A. Okay. Yes.**

6 Q. How's that sound? Okay. Just -- that would be last
7 week.

8 **A. Yeah.**

9 Q. Okay.

10 HANNAH GOLD: Do you have a question?

11 MERRIAM ZAYAS: Aren't they supposed to ask
12 to do that before they do that?

13 HANNAH GOLD: No.

14 BY HANNAH GOLD:

15 Q. So you met with her one on one; right?

16 **A. Yes.**

17 Q. Okay. And, when you asked **ACZ** if there's something
18 that would make her feel better, she stated that her
19 dog would make her feel better.

20 **A. Yes.**

21 Q. Okay. And she seemed to focus quite a bit on her puppy
22 throughout that interview; right? Okay.

23 And has the Department scheduled a visit for the
24 mother at this point?

25 **A. No. We're waiting for (indiscernible).**

1 Q. Okay. Is the Department able -- or the Department will
2 be able to offer the mother a visit today if shelter
3 care's established?

4 **A. (inaudible). Yes.**

5 Q. Okay. And given the interesting times we're living in
6 with this virus, how's the Department intending on
7 providing the mother visits?

8 **A. Our office is still open so it's not an issue to**
9 **provide visits.**

10 Q. Okay. And so, if the Department prevails and shelter
11 care's established, would you, yourself, be able to
12 provide those visits?

13 **A. Yes.**

14 Q. Okay. And, if you can't do it, another employee would
15 be able to do it?

16 **A. Another employee until I can get a referral in to get a**
17 **visit (inaudible). Yeah.**

18 Q. Okay. And it's -- it's true that children benefit from
19 ongoing contact with family -- with their parents?

20 **A. I believe so, yeah.**

21 Q. Okay. And it's -- it's true that removing a child from
22 a parent can cause trauma to that child.

23 **A. Yes.**

24 Q. Okay. And is distrust of the Department enough to
25 establish shelter care for a parent?

1 **A. Can you rephrase the question?**

2 Q. Is a parent distrusting the Department enough to
3 establish shelter care?

4 SEBASTIAN MILLER: Your Honor, I'm going to
5 object to that.

6 THE COURT: I mean, that's a judicial
7 decision.

8 HANNAH GOLD: Okay. I think those are my
9 only questions at this point.

10 THE COURT: All right.
11 Any redirect by the Department?

12 SEBASTIAN MILLER: No, Your Honor.

13 THE COURT: Okay. Any further witnesses?

14 SEBASTIAN MILLER: No.

15 HANNAH GOLD: I'd like to make a short offer
16 of proof on behalf of the mother.

17 THE COURT: Okay. So listen very carefully
18 to what your attorney has to say. After she's done
19 speaking, then I'm going to swear you in and have you
20 affirm that everything she said is true and correct.
21 Okay?

22 HANNAH GOLD: So if the mother were to
23 testify, she would say that she is asking for placement
24 with her and that she would do any services the Court
25 ordered with **ACZ** in her care, including UAs or

1 treatment or in-home services that the Court might
2 think would be appropriate.

3 The mother is very worried about **ACZ** and wants
4 to make sure she is okay. That is her number one
5 concern. It's not herself, but her daughter. And she
6 loves her very much.

7 She has noted that **ACZ** has been really stable
8 recently and that this is going to be extremely
9 difficult change for her, and she's probably already
10 struggling with this.

11 **ACZ** loves her school and her teacher a lot.
12 Apparently **ACZ** said that she wants to stay in
13 kindergarten forever and with this teacher forever.

14 **ACZ** on a soccer team that should be starting
15 up hopefully once this virus is laid low, and the
16 mother is actually the head coach on that soccer team.
17 And that's an important thing for the family.

18 The mother is particularly worried that **ACZ** is
19 extremely bonded with her puppy and that it would be
20 important for **ACZ** to be able to preferably have her
21 puppy but more likely visit with her puppy during the
22 time -- if shelter care is established.

23 The mother reports she's on Seroquel and -- I
24 don't even know how to say it -- labetalol.

25 MERRIAM ZAYAS: Labetalol.

1 HANNAH GOLD: Labetalol, which she reports
2 may have caused a false positive. And both are
3 prescribed to her and she is taking regularly.

4 She also notes that she's been very honest about
5 the -- her baby that she just gave up for adoption, and
6 she worked really carefully with **ACZ** to make sure
7 this wasn't a traumatizing experience for her since
8 **ACZ** knew that she was pregnant but also knew about
9 the adoption, and that this much change in **ACZ** life
10 at one time is going to be a really big traumatizing
11 event for her, and that is what the mother most
12 concerned about.

13 She is asking that the Court order the ability --
14 or that the Department return -- I'm sorry -- that the
15 Department -- if shelter care is established, that the
16 Department provide a visit today.

17 Mother's asking for visits twice a week for four
18 hours at a minimum and that she be able to bring the
19 dog to the visits.

20 And we have already discussed with the social
21 worker that she will include that **ACZ** has a puppy on
22 the chipper on the placement document. And that was
23 important to the mother in case the foster parents --
24 if shelter care's established -- in case the foster
25 parents are willing to take the puppy. The mother

1 would like that.

2 THE COURT: What's the chipper? I missed
3 that.

4 HANNAH GOLD: The chipper is the placement --

5 UNIDENTIFIED SPEAKER: Referral.

6 HANNAH GOLD: -- paperwork.

7 THE COURT: Oh, okay.

8 HANNAH GOLD: Sorry, Your Honor. But the
9 mother would testify that that's what we're requesting,
10 and the social worker was willing to do that.

11 But above -- above all, she is just worried that
12 this is hurting **ACZ** and wants her daughter to have
13 that stability that she had and that she's able to
14 continue that.

15 If shelter care's established, her number one
16 concern is making sure she gets time with her daughter.
17 And the mother would like to be able to readdress
18 placement, if the Court does establish shelter care,
19 that she be able to readdress placement at the 30-day
20 shelter care hearing.

21 THE COURT: Okay.

22 HANNAH GOLD: That would be what she'd ask
23 for.

24 THE COURT: So raise your right hand.

25 So do you swear or affirm that the testimony your

1 attorney gave is all true and correct?

2 MERRIAM ZAYAS: Yes.

3 THE COURT: Okay. Put your hand down now.

4 And I'll ask the Department if they have any
5 questions.

6 SEBASTIAN MILLER: No, Your Honor.

7 THE COURT: Okay.

8 Any further witnesses or evidence that you wanted
9 to present?

10 HANNAH GOLD: No, Your Honor. Just a short
11 argument.

12 THE COURT: Okay. Argument.

13 SEBASTIAN MILLER: Your Honor, we're asking
14 for shelter care. I believe we've met the low
15 threshold for shelter care hearing.

16 The Department has pretty obvious and substantial
17 safety threats with **ACZ** being placed with the mother
18 and especially without Court supervision.

19 This -- the primary concern the Department has, as
20 outlined in the petition, is the mother's
21 methamphetamine use. But not only that the mother uses
22 methamphetamines, but that she's not very forthcoming
23 about her use to the Department.

24 She has not really showed the Department that
25 she's willing to do services in order to -- in order to
Argument

1 rectify this. And the concerns that she's discussed
2 with the social worker -- the ability to avoid the UAs
3 being accurate for detecting methamphetamine use. And
4 this is behavior that has occurred under the
5 Department's supervision in the past in terms of
6 previous children under the mother's care.

7 This is all documented very detailed in the
8 petition, going back as far as 2001, with incidents
9 occurring every couple years relating to various
10 children up until this most recent occurrence this
11 month relating to the recent methamphetamine alleged
12 use with **ACZ** in her care.

13 One of the concerning incidents is one of her
14 previous children had stated -- which is outlined in
15 the petition -- that they actually used some of the
16 mother's methamphetamine which was out and within reach
17 of the children.

18 This is obviously concerning to the Department,
19 especially coupled with --

20 THE COURT: Do we have some Kleenex, please?

21 SEBASTIAN MILLER: Oh, I'm sorry.

22 UNIDENTIFIED SPEAKER: That's okay. First
23 time (indiscernible).

24 SEBASTIAN MILLER: I think with these past
25 behaviors, Your Honor, and this most recent positive
Argument

1 UA, in conjunction with the mother's behavior toward
2 the social worker, it's obviously causing us concerns.
3 And because of that, we're asking for the Court to find
4 shelter care and to place into licensed foster care.

5 THE COURT: Thank you, counsel.

6 HANNAH GOLD: Thank you, Your Honor. The
7 mother's requesting that shelter care not be found and
8 that [REDACTED] ACZ be returned to her; or, in the other option,
9 if shelter care is found, that [REDACTED] ACZ be placed with
10 her. Essentially, her biggest concern is having [REDACTED] ACZ
11 with her.

12 She is willing to do what needs to be done.
13 She -- I mean, no one can deny that the mother has a
14 distrust of the Department. That is a fact. She has
15 had multiple involvements. She has lost multiple
16 children. It is hard for her to trust the Department,
17 and she can't claim otherwise.

18 However, the distrust is not enough to establish
19 shelter care. And the mother has counsel at this point
20 who can interact with the Department on her behalf to
21 assist her in having more productive conversations with
22 the Department, and that should change the tone
23 hopefully.

24 The mother has had multiple negative UAs, one
25 positive that she strongly believes are false, and we
Argument

1 have not had an opportunity to discuss with any sort of
2 expert on the issue because of the shortened time for
3 shelter care. But we'll certainly be pursuing to
4 figure out whether or not an expert can -- can identify
5 whether that could have been a false positive.

6 She has been honest and thoughtful about the birth
7 of her new child who she gave up for adoption, knowing
8 that she couldn't care for her. But she is capable of
9 caring for [REDACTED] ACZ and is very clear about that.

10 But, above all else, it's [REDACTED] ACZ stability that
11 the mother is worried about. Removing her from her
12 mother is going to destabilize [REDACTED] ACZ. It's gonna
13 traumatize her. It's gonna separate her from the
14 people and the animals and the things she loves, and
15 that's the number one concern.

16 If the Court does place [REDACTED] ACZ out of the mother's
17 care, the mother is very clear that she would like as
18 much contact as possible with [REDACTED] ACZ

19 Her proposal is four hours two times a week for
20 visitations at a minimum, that she be able to bring
21 [REDACTED] ACZ puppy to the visit for [REDACTED] ACZ sake -- not for
22 the mother's, but for [REDACTED] ACZ sake -- and that the
23 Department provide a visit today at the -- today or
24 tomorrow at the very, very earlier -- or very, very
25 latest.

Argument

1 She'd also ask that the court order very clearly
2 state that she has the ability to -- to readdress
3 placement at the return home -- or I'm sorry -- return
4 home at the 30-day hearing, if shelter care's
5 established.

6 THE COURT: That's the court rule so I don't
7 understand your argument.

8 HANNAH GOLD: I think it would be -- it would
9 be helpful for the mother to have it in an order. We
10 are just asking if the Court could just -- or if I
11 could write in that the court rule allows us to address
12 that. I think it would just be simply a morale
13 booster.

14 And so we are just asking that **ACZ** be with the
15 mother, that mother do services. That is not a
16 problem. She'll continue with her UAs and any
17 treatment or in-home service.

18 And, if there's some concern that this removal has
19 been traumatic for **ACZ** and so the mother -- you know,
20 an in-home service that provides the two counseling may
21 be really helpful for them.

22 So she's being as thoughtful as she can about
23 **ACZ** and wants her home and is ready for that.

24 THE COURT: Okay. Thank you.

25 HANNAH GOLD: Thank you.
Argument

1 THE COURT: Any rebuttal?

2 SEBASTIAN MILLER: No, Your Honor.

3 THE COURT: All right. So the -- the
4 standard here today -- and I have allergies just so --
5 everybody, don't freak out -- is reasonable cause, and
6 the issue is safety.

7 The child is five years old. The Court has had a
8 chance to review the petition and the 27 paragraphs by
9 the Department and listened to the Department's
10 testimony -- social worker's testimony and the mother's
11 testimony through her attorney.

12 And the Court does believe that the Department has
13 met that reasonable cause standard; that because of
14 **ACZ** young age, the alleged use of methamphetamines,
15 and the history of drug use, and the mother's health is
16 concerning to the Court giving how -- how young **ACZ**
17 is.

18 So the Court does find that returning the child to
19 the home of the mother at this point in time does
20 present a serious threat of substantial harm to the
21 child.

22 The Department did offer services. The mother
23 didn't engage in any of those services, did the UAs,
24 and then we have the positive UA.

25 There is an allegation that perhaps her prescribed
Court's Ruling

1 medication is what caused that positive, but the Court
2 doesn't have any evidence to establish that today.

3 So the Court will authorize licensed shelter care
4 for the -- **ACZ** appoint a CASA. There's -- I guess
5 we're not setting any mediations.

6 And then, as far as placement, there's no
7 relatives, Ms. Gold, that the mother wants the
8 Department to pursue?

9 HANNAH GOLD: No.

10 MERRIAM ZAYAS: No.

11 THE COURT: Okay. And then services are
12 voluntary at this time.

13 You've been through the process before, and I hope
14 this is a better experience for you.

15 MERRIAM ZAYAS: I want her home in 30 days.

16 THE COURT: Well, you have a right to a
17 shelter care hearing in 30 days. That's what the court
18 rule is. But getting engaged in those services would
19 certainly be helpful for that. So you understand that?

20 MERRIAM ZAYAS: They never offered me
21 anything. I don't know what they're talking about --
22 services.

23 THE COURT: Now, to deal with the issue of
24 placement of the puppy, what is the Department's
25 response on that?

Court's Ruling

1 KELSEY OWENS: I'm willing to put it on the
2 referral.

3 THE COURT: Okay.

4 KELSEY OWENS: But that can't guarantee
5 anything.

6 THE COURT: And how old is the puppy?

7 MERRIAM ZAYAS: Six months.

8 THE COURT: Six months. Okay. So you'd put
9 that on the referral and --

10 MERRIAM ZAYAS: She's potty trained.

11 THE COURT: -- then you look for a family
12 that would be willing to do that?

13 What kind of puppy is it?

14 MERRIAM ZAYAS: It's a pug. Really tiny.

15 THE COURT: Little, little pug. Okay.

16 So do you put all that information on the chipper?

17 KELSEY OWENS: Yeah. You can put it on the
18 chipper; and whether they accept that part or not,
19 that's really up to the placement.

20 THE COURT: And then the Department is asking
21 for two times per week for two hours supervised?

22 SEBASTIAN MILLER: Correct.

23 THE COURT: So if the Department can inform
24 the Court of what's going on right now given the health
25 crisis? What is the Department doing to provide visits
Court's Ruling

1 for parents when it's supervised?

2 KELSEY OWENS: Like I said, the -- the
3 Department is still open. Our office is still open.
4 Obviously, we like to be aware of the virus that is
5 going around, and so a lot of us are staying out of the
6 office and teleworking.

7 THE COURT: Okay.

8 KELSEY OWENS: But visits are still occurring
9 for families.

10 THE COURT: And are -- are there still
11 service providers that are picking up those contracts?

12 KELSEY OWENS: That I don't know.

13 THE COURT: Okay.

14 KELSEY OWENS: But I know the Department --
15 at least for us -- we are still providing visits.

16 THE COURT: Okay. And what is your position
17 on the request for two times per week for four hours?

18 KELSEY OWENS: I think two times a week for
19 two hours is reasonable, especially when school does go
20 back into session.

21 MERRIAM ZAYAS: She's not going to be there
22 for that long.

23 THE COURT: All right. So the Court is well
24 aware of the challenges facing the Department in this
25 health crisis.

Court's Ruling

1 I would love for [REDACTED] ACZ to have as much visit time
2 with her mother, given the fact that she was in
3 Department care and then back with mom and now she's
4 back in Department care.

5 So the Court -- because [REDACTED] ACZ is no longer in
6 kindergarten, two times per week for four hours
7 supervised, if the Department can accommodate the
8 supervision for that amount of time. I'm not sure what
9 your resources are at this time, but at a minimum, two
10 times per week for two hours, but, as an aspiration,
11 two times per week for four hours.

12 And you can put in the court order, the court
13 rules do allow shelter care hearing at 30 days.
14 There's also that other court rule that -- on six days'
15 notice, you can ask for revisiting shelter care.

16 Don't know what order No. 5 says on those types of
17 hearings, whether they are in person. It just says
18 shelter care; so.

19 Anyway. Keep in touch with your attorney.

20 Ms. Gold, do you keep your cases or --

21 HANNAH GOLD: I'll be keeping the case.

22 THE COURT: Because things are fast-changing
23 with the court and what's going on. Okay?

24 HANNAH GOLD: Are we not supposed to do a
25 mediation? Are we supposed to schedule it after things
Court's Ruling

1 open?

2 THE COURT: I have the order said no
3 mediation.

4 UNIDENTIFIED SPEAKER: I thought
5 (indiscernible) yesterday (indiscernible).

6 HANNAH GOLD: Okay.

7 UNIDENTIFIED SPEAKER: -- about it.

8 HANNAH GOLD: Mediation's on hiatus. I just
9 didn't know how we're supposed to be dealing with it.

10 UNIDENTIFIED SPEAKER: From mediation
11 standpoint, that -- they're asking us to not offer
12 mediation (indiscernible).

13 HANNAH GOLD: Okay.

14 UNIDENTIFIED SPEAKER: And the ones that are
15 currently scheduled are (indiscernible).

16 HANNAH GOLD: Gotcha.

17 THE COURT: And then that order, the -- sign
18 the healthcare and education order, appoint a CASA, and
19 I think that's everything.

20 HANNAH GOLD: Thank you.

21 (Recording concluded.)
22
23
24
25

Court's Ruling

C E R T I F I C A T E

I, JAMIE L. BOOKER, Certified Court Reporter
in the state of Washington, in the County of Pierce, in
Tacoma, Washington, do hereby certify under penalty of
perjury under the laws of the state of Washington:

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EXHIBIT 9

The Honorable John C. Coughenour

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

MYRIAM ZAYAS,

Plaintiff,

v.

ANNETTE MESSITT, JEFFREY
WHITNEY, AMBER WHITNEY

Defendants.

NO. 2:20-cv-00747 JCC

NOTICE OF PHYSICAL FILING

The attached thumb drive contains an audio file, which should be inserted here.

EXHIBIT 10

T A B L E O F C O N T E N T SPAGE NO.June 9, 2020:

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1

1 June 9, 2020, 9:24 a.m.

2 THE BAILIFF: All parties that are still on the line, the
3 next matter we're going to call is going to be [REDACTED] ACZ ,
4 but I'm checking to see on Mr. LaRaus's availability in
5 Judge Jarvis's court. So, if you can hold on, please, just
6 a moment.

7 MR. LaRAUS: I'm here.

8 THE BAILIFF: Oh, wonderful. Great. Okay. All right.

9 So, the next matter is going to be [REDACTED] ACZ . If the
10 parties could just hold a moment, I'm going to patch in
11 Mother. And just to do a quick check, do I still have Social
12 Worker, Mr. Magee, on the line?

13 MR. MAGEE: Yes, I'm here.

14 THE BAILIFF: Thank you. And Counsel for CASA, Ms. Cowan?
15 Okay. Ms. Cowan might not be on the line. Let me message her
16 to make sure she can join us. Do I have Counsel for Mother,
17 Mr. Symons?

18 MR. SYMONS: Yes, I'm here.

19 THE BAILIFF: Okay. Wonderful. If the parties could just
20 hold a moment, please.

21 MS. ZAYAS: Hello?

22 THE BAILIFF: Hi. Is this Myriam Zayas?

23 MS. ZAYAS: Yes.

24 THE COURT: Ms. Zayas, this is Dependency Court calling
25 regarding [REDACTED] ACZ [REDACTED]. We're just waiting on the

1 line for one more person to join in here, and so if you could
2 hold on, please.

3 Do I have CASA counsel, Ms. Cowan, on the call?

4 MS. COWAN: Yes, I'm here.

5 THE BAILIFF: Thank you so much. Your Honor, this is the
6 matter of ACZ [REDACTED], Cause No. 20-7-00666-0. All
7 parties are appearing telephonically.

8 Please say your first and last name clearly for the
9 record after I announce your title. Assistant Attorney
10 General?

11 MR. LaRAUS: Davis LaRaus.

12 THE BAILIFF: Social worker?

13 MR. MAGEE: Jamaal Magee.

14 THE BAILIFF: Counsel for CASA?

15 MS. COWAN: Jennie Cowan and CASA is pending.

16 THE BAILIFF: Counsel for Mother?

17 MR. SYMONS: Brandt Symons.

18 THE BAILIFF: And Mother.

19 MS. ZAYAS: Myriam Zayas.

20 THE COURT: All right. Thank you, everyone. This is
21 Judge Messitt. We are here after a motion to withdraw that
22 occurred a couple of weeks ago, where Ms. Zayas's former
23 counsel made a motion to withdraw. And at that time there
24 was some indication that Ms. Zayas wished to proceed pro se?
25 And there was some question—although the Court did not

1 conduct a colloquy at the time, there was some question about
2 whether a GAL should be appointed.

3 And so, first, there is no request from any party that a
4 GAL be appointed at this time. But, Mr. Symons, I understand
5 you currently represent Ms. Zayas. And so, I understand,
6 based on what was communicated to the Court and the parties
7 yesterday, that Ms. Zayas has indicated to you that she does
8 not wish to be represented. Is that the case?

9 MR. SYMONS: Your Honor, that is correct. The—the last
10 instruction that I have from Ms. Zayas is that I withdraw
11 from her case.

12 THE COURT: All right.

13 MR. LaRAUS: As—

14 THE COURT: And—

15 MR. LaRAUS: Your Honor, this is Dave—I'm—I'm sorry to
16 interrupt. This is David LaRaus. And before the Court makes
17 any rulings, I did want to bring to the Court's attention
18 that in reviewing the mother's many, many pleadings that she
19 has filed herself in this matter, I observed that she had
20 filed a motion and declaration for change of judge from
21 Your Honor on May 4th of 2020. And when I noted that
22 previously, I had believed, based upon the mother's
23 complaints about Your Honor, that it was predicated on
24 Your Honor having ruled on the contested 72-hour hearing.
25 And so there—a discretionary judgment had previously been

1 made. But, in reviewing the 72-hour order, it appears that
2 it was actually Commissioner Danieli who heard that matter.
3 So, I think we need to address that first. And I guess the
4 first question would be if Ms. Zayas actually is still
5 pursuing a motion for change of judge given that you were
6 not the judge who made the ruling that she was unhappy with.

7 THE COURT: And Mr. Symons?

8 MS. ZAYAS: Are you asking me to answer? Am I allowed to
9 talk?

10 THE COURT: Well, currently you are represented by
11 Mr. Symons, so—

12 MS. ZAYAS: Okay. No talking.

13 MR. SYMONS: And so, Your—Your Honor, this is Mr. Symons.
14 I—I guess it would be helpful for us to determine in what
15 order we're going to take these issues. So, if—clearly, it's
16 a difficult situation when there's—if there is a pending
17 motion to change judges and also a pending motion to have
18 Counsel withdraw as a motion that is heard first is—is
19 certainly important in determining how we proceed. So, if
20 the Court could instruct on which motion it intends to hear
21 first, I—I suppose I would have a better sense of what role
22 I should play in this—in this hearing.

23 THE COURT: Thank you, Mr. Symons. Clearly, the issue that
24 needs to be addressed first is the motion for change of
25 judge. The Court—

1 MS. ZAYAS: All of a sudden you guys are hearing my
2 motions? Are you kidding me right now?

3 THE COURT: So, Ms. Zayas, you're—you're going to—you—you
4 cannot interrupt the proceedings. You currently—

5 MS. ZAYAS: Oh, that's right. Yeah.

6 THE COURT: Currently you're represented by—

7 MS. ZAYAS: Go ahead.

8 THE COURT: —Counsel. And so, I'll hear from your—

9 MS. ZAYAS: Uh-huh.

10 THE COURT: —counsel on these issues—

11 MS. ZAYAS: [Inaudible].

12 THE COURT: —until the Court allows your counsel to
13 withdraw. But, if you keep interrupting, we will—

14 MS. ZAYAS: I'm suing all of you already. I've already
15 filed the lawsuit. Every single one of you are being sued.

16 THE COURT: That is not—

17 MS. ZAYAS: You're—

18 THE COURT: —the issue today—

19 MS. ZAYAS: You're violating my civil rights.

20 THE COURT: —at this hearing.

21 MS. ZAYAS: This is a violation—

22 THE COURT: And so—

23 MS. ZAYAS: —of civil rights.

24 THE COURT: —if you don't stop interrupting the
25 proceedings, I will—

1 MS. ZAYAS: Okay.

2 THE COURT: -mute you so we don't hear you. Do you
3 understand?

4 MS. ZAYAS: Exactly. There you go, uh-huh.

5 THE COURT: So, I think the first issue that needs to be
6 addressed is the motion of change of judge. I was unaware
7 that that motion was filed. I don't know if it was properly
8 served. So, the Court--well, I will have to look. And I'll
9 ask Mr. Symons to look and see if it was properly filed by
10 your--your client. So, that's the first issue we should
11 address today because if, indeed, the motion of change of
12 judge was filed before this Court made the discretionary
13 ruling, then that should have been granted if it was filed
14 and properly served because there is a right, as you all
15 know, for one change of judge.

16 MR. SYMONS: Yes, Your Honor. Should--should we perhaps
17 take a brief recess to--to consider whether that was properly
18 filed?

19 MS. ZAYAS: Respect the rights of me?

20 THE COURT: Ms. Zayas, I'm going to ask you again not to
21 interrupt.

22 MS. ZAYAS: I'm suing you. You, the Judge. Yeah, you, I'm
23 suing you, okay? Just so you know.

24 THE COURT: That is not--

25 MS. ZAYAS: You're not supposed to do this.

1 THE COURT: So, Ms. Zayas, could you please—

2 MS. ZAYAS: This is illegal.

3 THE COURT: Could you please mute Ms. Zayas—

4 MS. ZAYAS: This is illegal.

5 THE COURT: —so that I can speak—

6 MS. ZAYAS: What you're doing is illegal.

7 THE COURT: —with Mr. Symons? Thank you. So, Mr. Symons,
8 if you would be so kind as to look into that issue so I can
9 hear from the parties whether or not that was properly filed
10 and served, and when it was served in relation to any rulings
11 that this Court made. Then we can proceed on that issue. And
12 if, indeed, the motion of change of judge was properly filed,
13 then we will have to move the remaining issues to a different
14 judge.

15 MR. SYMONS: Yes, Your Honor. I'll—I'll be able to look
16 into that. Would the Court like to take another hearing and
17 then recall this matter?

18 THE COURT: Yes, we'll do that. Thank you.

19 MR. SYMONS: Thank you, Your Honor.

20 MR. LaRAUS: And can I inquire, can—can the parties leave
21 the call and be notified by email 'cause it's my
22 understanding there's a 72 that's coming next?

23 THE COURT: There is. And we will go ahead. And it—I
24 believe it's fully contested. And so, we—we will—we can
25 interrupt it in order to go back on the record on—on this

1 case. But, my bailiff will contact you and let you know via
2 email.

3 MR. LaRAUS: Okay. Thank you.

4 THE COURT: Thank you all.

5 MR. SYMONS: Okay.

6 MS. ZAYAS: My rights are being violated.

7 THE BAILIFF: Ms. Zayas, so we're going to recess your
8 matter, and the Court will be calling you right back as soon
9 as we call your hearing again, okay? I'll reach out—

10 MS. ZAYAS: Because you're not going to let me talk again,
11 so what's the point?

12 THE BAILIFF: I'll—I'll reach you—

13 MS. ZAYAS: If—you're not going to let me talk again,
14 right?

15 THE BAILIFF: I'll reach you at the same number. Thank
16 you.

17 MS. ZAYAS: I'm coming to get those recordings today.

18 [Recess taken from 9:34 a.m. to 10:05 a.m.]

19 THE BAILIFF: Your Honor, recalling the matter of
20 ACZ, Cause No. 20-7-00666-0. All parties are
21 appearing telephonically.

22 And for the record, please say your first and last name.
23 Assistant Attorney General?

24 MR. LaRAUS: David LaRaus.

25 THE BAILIFF: Social worker supervisor?

1 MR. MAGEE: They said "supervisor."

2 MS. DeCAMP: Julie DeCamp.

3 THE BAILIFF: Social worker?

4 MR. MAGEE: Jamaal Magee.

5 THE BAILIFF: Counsel for CASA?

6 MS. COWAN: Jennie Cowan.

7 THE BAILIFF: Counsel for Mother?

8 MR. SYMONS: Brandt Symons.

9 THE BAILIFF: Mother.

10 MS. ZAYAS: Myriam Zayas.

11 THE BAILIFF: Thank you.

12 THE COURT: All right. Thank you. This is Judge Messitt.
13 So, Mr. Symons, were you able to learn anything about when
14 the motion for change of judge was filed, and whether it was
15 properly served?

16 MR. SYMONS: I was, Your Honor. I went back into ECR and
17 found the motion for change of judge. It was properly filed
18 on May 5th at nine a.m. It does appear to have been properly
19 served on the parties. By my—by my review, it does appear
20 that there was one ruling made by Your Honor prior to that
21 on May 4th. It was filed at 1:55 p.m. on the 4th, and that
22 was denying certification of an emergency regarding the
23 mother's counsel's motion to withdraw.

24 THE COURT: All right. Thank you, Mr. Symons.

25 Mr. LaRaus, is that your understanding as well?

1 MR. LaRAUS: That is, Your Honor. I sent the Court and
2 the parties a copy of the motion and the e-service
3 declaration for the Court to review. I don't know whether
4 the motion denying certification as an emergency constitutes
5 a discretionary ruling or not. Under 4-RCW 4.12.50, it says—
6 or Section (2), "Arranging the calendar, setting a date for
7 a hearing or trial, ruling on an agreed continuance, and
8 presiding over," well, "criminal preliminary proceedings" do
9 not cause the loss of right to file a notice of
10 disqualification.

11 THE COURT: Well, we are, from the Court's perspective,
12 in very interesting times. So, anything else, Mr. Symons?

13 MR. SYMONS: Your Honor, I would argue that the denial of
14 the certification for an emergency would constitute a
15 discretionary ruling in this case, that the courts were—were
16 given quite a bit of latitude in determining what would
17 constitute an emergency. There were certainly some
18 guidelines that were set out by—by the Supreme Court and
19 then implemented by the Superior Court as well as the
20 Dependency Court. But, there was discretion that was given
21 in terms of what constituted an emergency to the judges.

22 So, I—I do believe that that would have been a
23 discretionary ruling on the Court's part.

24 THE COURT: All right. Thank you. Any—Mr. LaRaus, anything
25 further before the Court rules?

1 MR. LaRAUS: I have to defer to the Court on the issue of
2 discretion, but my understanding [inaudible] the courts do
3 not have a lot of discretion in determining whether something
4 was an emergency or not under the guidelines set forth by
5 Judge Rogers that were applicable at the time.

6 I do think it is important, however—I hesitate to say
7 this, but maybe Ms. Curnal-Zayas should inquire if she still
8 wants to maintain that motion, and the reason is she may not
9 understand that, A, Your Honor was not the person who ruled
10 on the 72-hour hearing that Ms. Zayas is so-objecting to so
11 strongly. And, B, she does need to understand that if she
12 does this once, she won't be able to do it again. And C, she
13 needs to understand that Your Honor is not going to be
14 presiding over the actual trial; it's going to be a different
15 judge. So, I think the first step, if—it would be to question
16 whether she still wants to entertain this motion or not at
17 this time.

18 THE COURT: All right. Thank you, Mr. LaRaus.

19 So, Ms. Zayas, did you hear the questions that Mr. LaRaus
20 poses, the issues that you may want to consider with regard
21 to this motion?

22 MS. ZAYAS: Yes, I heard the question.

23 THE COURT: All right.

24 MS. ZAYAS: Or whatever, yeah.

25 THE COURT: And, I'm going to ask you two questions. One,

1 would you like to talk to Mr. Symons about those issues? Or,
2 would you rather address the Court on those issues yourself?

3 MS. ZAYAS: Uhm, yeah, no, I don't need to talk to him. I
4 can tell you.

5 THE COURT: All right. Go ahead.

6 MS. ZAYAS: Uhm, basically the reason that we're
7 continuing—or have continued from day one, uhm, is, uh—is a
8 violation of my civil rights because there has to be probable
9 cause and there has to be, uhm—uhm, extension [sic] of
10 circumstances, and there's not. So, the fact that we're even
11 here at all is kind of—should be, you know—it should be,
12 uhm, told to somebody in a higher court because it's not
13 right. So, I honestly don't mind if you guys continue it to
14 forever because it's going to take me a while to build my
15 case in Federal Court. And, uhm, I have all the time in the
16 world to, uhm—to build it.

17 So, that's fine with me. Do whatever you want to do. Tap
18 dance, whatever. I'm good 'cause as-if I [inaudible] the
19 Federal Court, [inaudible] matters to me this Court is, as
20 I've seen, crooked as all it can be, so I—I would like to,
21 you know—I have all the time to—to—you know, to waste, I
22 guess, 'cause she won't remember any—any of this, thank God.
23 But—

24 THE COURT: So—

25 MS. ZAYAS: —I'm going to go to Federal Court, so.

1 THE COURT: -Ms. Zayas, can I ask-can I tell you a couple
2 of things and ask you a couple of questions?

3 MS. ZAYAS: Yes, go ahead.

4 THE COURT: So, I have heard what you-what you have said
5 with regard to your lawsuit in Federal Court.

6 MS. ZAYAS: Uh-huh.

7 THE COURT: From-this hearing today is on issues that are
8 different than that. They may relate, and you may join these
9 issues or rulings that I make today-

10 MS. ZAYAS: Uh-huh.

11 THE COURT: -in that lawsuit. That's really up to you.
12 But, this Court, I have-I can't do anything about the Federal
13 lawsuit. I don't know anything about it. But, today the issue
14 that we're dealing with is that you have filed a motion for
15 change of judge.

16 MS. ZAYAS: Uh-huh.

17 THE COURT: And the question that Mr. LaRaus has posed,
18 which I think is a good question, is whether you understand
19 that your motion for change of judge, you have a right to-
20 to request for a change of judge one time as a matter of
21 right. And if you exercise this motion of change of judge on
22 me, you will not be able to exercise it on any other judge
23 in this case as a matter of right.

24 And so, this Court will not be hearing your trial. I am
25 only in a position to rule on issues that precede that time

1 and then perhaps after that time. So, Mr. LaRaus has
2 questioned whether you really understand the consequences of
3 the motion of change of judge and whether that—whether you
4 want to proceed with your motion of change of judge of this
5 Court. So, that's the first question I have for you.

6 And my question for you is, do you want to discuss that
7 with Mr. Symons, and he can explain because he's currently
8 still your counsel, or do you not want to do that?

9 MS. ZAYAS: I want everyone to stop violating my civil
10 rights, and I want to go pro se. And I'm allowed to—I should
11 be allowed to go pro se. And I want to—uhm, because we're
12 not even supposed to be here today, and she was never
13 supposed to be taken [inaudible] because that's a violation
14 of my civil rights. Like, we shouldn't even be having this
15 conversation basically, is what I'm saying.

16 THE COURT: All right. So, with regard to the motion of
17 change of judge, I am going to rule on that first. And then
18 I will go ahead and I'm going to, again, Ms. Zayas, ask you
19 a number of questions because you've indicated to the Court
20 that you wish to represent yourself, okay?

21 MS. ZAYAS: Yes.

22 THE COURT: But, with regard to the motion for change of
23 judge, the Court is going to deny the motion for two reasons.
24 First, there was a discretionary decision that was made prior
25 to this motion of change of judge being filed, and that was

1 the motion denying a hearing on emergency motion that this
2 Court ruled on on May 4th. This Court does find that that
3 was a discretionary ruling and, therefore, this Court cannot
4 be removed as a matter of right with the change of judge.

5 The second reason for that is because the certificate of
6 e-service that was filed shows that a working copy was never
7 provided to the Court, and the Court was not properly served.

8 So, for those two reasons, the Court is going to deny
9 the motion for change of judge.

10 With regard—and well, with regard to Ms. Zayas wishing
11 to go pro se, Ms. Zayas, I'm going to ask you a few questions.
12 And the first set of questions I'm going to ask you about
13 are really questions about these proceedings and what you
14 understand about them, okay?

15 MR. LaRAUS: Your Honor, I'm sorry, I apologize for
16 interrupting. This is David LaRaus.

17 THE COURT: Of course, Mr. LaRaus.

18 MR. LaRAUS: When the Court—when the Court set this
19 hearing, it specifically said that the matter addressing the
20 need for a GAL would happen. And even if that's a brief
21 colloquy, I think it does need to happen before proceeding
22 to the question of pro se because before making a
23 determination of pro se given the order that was previously
24 entered by the Court, I believe the Court first needs to
25 determine whether the mother is or is not competent to

1 understand the significance of the legal proceedings, the
2 effect of the proceedings on her best interests.

3 THE COURT: Thank you, Mr. LaRaus. That is the Court's
4 intention.

5 MR. LaRAUS: Oh, thank you.

6 THE COURT: All right. All right. So, Ms. Zayas, I have a
7 couple of questions for you, okay? Can you hear me okay?

8 MS. ZAYAS: Uh-huh. Uh, yes.

9 THE COURT: All right. So, the Court is concerned about
10 whether you have a full understanding of the proceedings.
11 And so, I'm going to ask you some—some open-ended questions
12 about these proceedings that I get an understanding about—
13 about your comprehension of these legal proceedings—

14 MS. ZAYAS: Uh-huh.

15 THE COURT: —the significance of them, and the effect of
16 these proceedings in terms of your custody of [REDACTED] ACZ Do you
17 understand that?

18 MS. ZAYAS: Yes.

19 THE COURT: All right. So, my first question is just a
20 very simple one. Do you know why we're having this hearing
21 today?

22 MS. ZAYAS: Because of, uh, forcing the GAL into my life,
23 making her a part of this so she could get paid, pretty much,
24 right?

25 THE COURT: So, let me ask it a—a little differently. Do

1 you understand what dependency proceedings are?

2 MS. ZAYAS: Yes. I have had 15 years of experience
3 straight of dependencies. Yes—

4 THE COURT: All right.

5 MS. ZAYAS: —I do.

6 THE COURT: So, you understand why this case—do you
7 understand why we're here today in court with regard to these
8 proceedings? You understand what the proceedings are and the
9 system of dependencies.

10 MS. ZAYAS: Yes.

11 THE COURT: All right.

12 MS. ZAYAS: I do.

13 THE COURT: And, if this case proceeds to a fact-finding
14 trial, do you know what will happen at that proceeding?

15 MS. ZAYAS: I thought we just had one of those. Uhm, I
16 didn't—I thought we just had one, but I guess not. Uhm, I am
17 aware of what a fact-finding trial is. I mean, not under the
18 COVID guidelines, but I'm pretty sure, you know, it would be
19 different if we were in person.

20 THE COURT: And could you—could you tell me what your
21 understanding is of a fact-finding trial?

22 MS. ZAYAS: To basically bring up all the issues that are
23 supposedly happening or not happening in the case?

24 THE COURT: Okay.

25 MS. ZAYAS: And see if we need to go to trial or not.

1 THE COURT: All right. And do you understand—I'm going to
2 back to the—there was a petition filed in this case. Do you
3 understand that? A—

4 MS. ZAYAS: The one I filed or the—which one?

5 THE COURT: The—a petition that was filed by a social
6 worker. Do you know what petition I'm talking about?

7 MS. ZAYAS: Oh. The petition to—the dependency petition
8 that—yes. Oh, yeah, I know that one real good.

9 THE COURT: Okay.

10 MS. ZAYAS: Uh-huh.

11 THE COURT: And can you explain for me in your own words
12 what you understand that petition to be?

13 MS. ZAYAS: Uh, it was, uh, copy-and-pasted, uh, from my
14 2001 dependency. I'm not sure. There was a couple different
15 dependencies pasted on there that didn't really make too
16 much sense. But, uhm, it—it just detailed, uh, a bunch of
17 stuff from before, uh, my daughter was born, actually. It
18 was from—everything was dated from before my daughter was
19 born. Also, uhm, her presumed father, which is not her
20 father, his entire criminal record was pasted in there, too.
21 And, uhm—and then it was, uh, used to remove my daughter.
22 So, kind of like a way to trick the police into thinking
23 that I was a horrible person, pasting all this stuff on there
24 from 20 years ago and getting them to remove my child.

25 Yes, I'm very aware of what the dependency petition is.

1 THE COURT: All right. And then after that dependency
2 petition was filed, there was a 72-hour shelter care hearing.
3 Do you know what a shelter care hearing is?

4 MS. ZAYAS: It's supposed to be where I'm able to be heard
5 at least and to be able to defend myself for what—for what
6 I was being accused of. And I—and I did that, and I tried
7 to, but I wasn't able to speak. And when I did speak, I was
8 told to bring in the letter, and I—I did, and that didn't
9 matter.

10 So, yeah, I know what it is. It's—it's basically a
11 hearing that a person gets when they're able to contest
12 either 24 or 72 hours after their child is taken whatever
13 happened before it actually goes on to the next step.

14 THE COURT: All right. And do you know what would happen
15 if a fact-finding hearing is held and the court finds a
16 dependency? Do you know what happens then?

17 MS. ZAYAS: Then it goes on for another 10 years. No, it
18 goes on for another six months. And, uhm—and basically, and
19 there, uh—there's another series of court dates that happen
20 after, uh, they find a dependency, like, uh, every three
21 months they check—they check and see if the person's making
22 progress. They make a case plan. They do, uhm, whatever it
23 is that they have to do to try to get their kid back pretty
24 much. And sometimes it takes six years. Sometimes it takes
25 six months. It just depends.

1 THE COURT: All right. And then do you know what a--what a
2 termination proceeding is?

3 MS. ZAYAS: Yep. I've been terminated. I sure do.

4 THE COURT: Okay.

5 MS. ZAYAS: I know exactly what it is. My kids are all
6 older now. They're 20 and 18, and they--they came back home.
7 Well, one came back home, so, yeah, I totally know what it
8 is.

9 THE COURT: All right. Thank you. So, do you understand--
10 and I think you may have just answered this, but I want to
11 make sure that I ask all the questions that I--I need to. If
12 you were to represent--if you were to go to a termination
13 hearing and you were to lose at that hearing, whether you
14 are represented or not, do you know what the effect of that
15 would be?

16 MS. ZAYAS: A huge of violation of my civil rights. I'd
17 be in big trouble, yeah. I don't--I highly doubt that would
18 ever happen. But, if that did happen, I guess I'd be in big
19 trouble. I guess I would be concerned with the system
20 completely. But, no, it's--it'll never happen. I mean, I'm
21 perfectly capable of--

22 THE COURT: So, let me ask you--

23 MS. ZAYAS: --of representing myself and--yeah.

24 THE COURT: Let me ask it differently. Do you know what
25 would happen if the judge ruled against you in that hearing?

1 MS. ZAYAS: Uhm—

2 THE COURT: Just as a practical—

3 MS. ZAYAS: —I would be shocked.

4 THE COURT: —matter.

5 MS. ZAYAS: Yeah. Yeah, I would be shocked. I am—I would
6 probably not—yeah, that would never happen. I—I've never
7 been ruled against in something like that because I've never—
8 like, what—what happened with **ACZ** is I relinquished
9 because she wants to be adopted by foster parents. But, I've
10 never had that happen, uhm, because I don't know. I've—it's
11 never gotten that far to the point where someone's actually
12 gotten that far, no. I—pretty much I've—

13 THE COURT: Okay.

14 MS. ZAYAS: —gotten all my kids back before. I know how
15 to do that much.

16 THE COURT: And then—

17 MS. ZAYAS: It's not that hard.

18 THE COURT: —my—

19 MS. ZAYAS: I mean—

20 THE COURT: Oh, sorry, I don't mean to interrupt you.

21 MS. ZAYAS: Uh-huh. Go ahead.

22 THE COURT: All right. And then my last question for you
23 is, what do you want to have happen in this case?

24 MS. ZAYAS: I want—I want to, uhm, basically—my daughter's
25 really confused right now by everything that's going on. She

1 cries a lot at every visit, and she's very—I'm not able to
2 really talk to her, tell her what's going on. So, she's kind
3 of thinking that I left her. And so, I—I just want to, uh—I
4 just want to, I guess, if anything, speed it up so that she
5 can be home or, you know, and—and, uh, I know that there's
6 a—it's changed a lot since my last dependency—or my last
7 kids were taken, the system and how fast they work. I—I see
8 that just by the court dates and how they were scheduled,
9 that, you know, it comes a lot quicker. So, I'm hoping that
10 that's the case. I'm not sure because of COVID, you know,
11 we've been all kind of locked down and haven't been able to
12 do anything. But, uhm, at the same time, nobody, uh—there—
13 nobody knows because nobody's ever been through a pandemic
14 or something like this before. So, I understand that, and so
15 I get really frustrated with that, that I—I, uhm—I—I want
16 to, uh—I want to make she's okay, and I want to make sure
17 that she's—she has what she needs to feel like she hasn't
18 been abandoned. And, basically, I—I know that I could move
19 faster than—I mean, there's really not anything to do except
20 for just talk to each other. I mean, there's really not
21 anything—I've already—I was one week away from graduating
22 treatment when—when the payment stopped. I mean, basically
23 I was—I'm all—I'm all done with my part, and I'm in
24 counseling right now. So, there's really not much to do
25 except for talk a few times. I mean, I don't see why we even

1 have to do that, honestly. I mean, I've-

2 THE COURT: All right.

3 MS. ZAYAS: -got nothing but good on my end, so I don't
4 know what's really-

5 THE COURT: All right.

6 MS. ZAYAS: -you know, what's going on. I just kind of
7 come to the court.

8 THE COURT: So, thank you, Ms. Zayas. The-the-that's the
9 first part-

10 MS. ZAYAS: Uh-huh.

11 THE COURT: -of the Court's questioning. I think I have-
12 have asked enough questions. I am going to allow Mr. LaRaus
13 an opportunity to ask questions if he wishes, and Mr. Symons,
14 and then I'll move on with some more questions.

15 Mr. LaRaus, do you have any questions?

16 MR. LaRAUS: Just very briefly. Ma'am, regarding
17 appointment of a GAL, the Court needs to be sure that you
18 understand the impact of dependency on your best interests.
19 And you said that you've been through a dependency before,
20 correct?

21 MS. ZAYAS: Yes. This should not be turning into a
22 dependency. There's no reason for it to. But, yes, I have-

23 MR. LaRAUS: Right, right. I-we understand that's your
24 position. But, we just need to make sure that you understand
25 what a dependency means. So, you understand that this Court-

1 MS. ZAYAS: Yeah.

2 MR. LaRAUS: I-I just wanted to make sure you understand
3 this court proceeding relates to whether ACZ will be
4 returned to your care and any services that you might be
5 ordered to participate in. Do you understand those things?

6 MS. ZAYAS: Yes. I've already completed all the services.
7 Go ahead.

8 MR. LaRAUS: Okay. Thank you. No further questions on this
9 issue.

10 THE COURT: All right. And Mr. Symons, I'll give you an
11 opportunity. But, do you have any questions?

12 MR. SYMONS: Ms. Zayas, I just want to make sure that it's
13 clear to you that if the Judge allows me to withdraw from
14 your case, that, as you move forward with your motions and
15 with preparation for trial, that you'll be held to the same
16 standard that I would be in terms of evidence and calling
17 witnesses and filing motions. Do you understand that you're
18 not given—you're not given any breaks simply because you're
19 not a lawyer?

20 MS. ZAYAS: There—there should be only probably, uh,
21 nothing there for—for it to go on to a dependency. But, I
22 mean, I guess if—I mean, I—I know what I'm doing as far as—
23 as far as, you know—if they hijack my kids because I don't
24 know what I'm doing, then that's horrible, but I don't think
25 that'll happen.

1 MR. SYMONS: Okay.

2 THE COURT: And—and I'm sorry. I'm going—Mr. Symons, I'm
3 sorry, I don't—I don't mean to interrupt you. But, the Court
4 is going to—

5 MR. SYMONS: Sure.

6 THE COURT: I'm going to—I'm going to allow you to
7 continue, but I wanted to let you know the Court has some
8 additional questions with regard to her request to go pro
9 se. So, but you're welcome to continue asking those questions
10 as well. Go ahead.

11 MR. SYMONS: Just—just to quickly follow up with—with that
12 question. I know you understand that—or I know you believe
13 it shouldn't go that far, Ms. Zayas, but if it does—

14 MS. ZAYAS: Uh-huh.

15 MR. SYMONS: —do you understand that you're responsible
16 in the same way that an attorney would be to follow the Rules
17 of Evidence?

18 MS. ZAYAS: Yes, yes.

19 MR. SYMONS: Okay. I—nothing further, Your Honor.

20 THE COURT: All right. Thank you, Mr. Symons.

21 So, as an initial matter before I—Ms. Zayas, I'll ask
22 you a few more questions about wishing to represent yourself.
23 But, the initial questions that the Court asked, I was really
24 trying to determine whether you understood the significance
25 of these legal proceedings, and the effect of these

1 proceedings in terms of your best interests to determine
2 whether or not the Court should consider whether a guardian
3 ad litem is appropriate. And at this point I—the Court is
4 going to make a finding that you do understand the
5 significance of these legal proceedings and the effect and
6 relationship of these proceedings in terms of your best
7 interests. You have been through a dependency before. You
8 appear to understand what we're doing here. You understand
9 the role of the Department and the attorneys, and you also
10 understand the—the process of dependencies.

11 And so, at this time the Court is going to find that
12 there is no basis to appoint a GAL. And so, that satisfies
13 that concern that I had noted in the last hearing and in
14 that order.

15 So, the—the next series of questions I'm going to ask
16 you have to do with your request to represent yourself. And
17 so, I want to make sure that you understand what your rights
18 are, but I also want to make sure you understand what it
19 means and the effect it may have to represent yourself.

20 So, you do understand that you have the right to be
21 represented by a lawyer and that the Court will appoint one
22 for you free of charge. You understand that; is that correct?

23 MS. ZAYAS: Yes.

24 THE COURT: All right. And, but you also—do you understand
25 you have a right to represent yourself?

1 MS. ZAYAS: Oh, okay, yeah. That's good, yeah.

2 THE COURT: You do understand that?

3 MS. ZAYAS: I do now, yes. No, that's—that's, yeah, what
4 I wanted for a long time. Yeah.

5 THE COURT: All right. But, do you also understand that
6 an attorney would represent you and speak on your behalf in
7 court?

8 MS. ZAYAS: Yes.

9 THE COURT: And an attorney would advise you about your
10 legal rights and your options; do you understand that?

11 MS. ZAYAS: Yes.

12 THE COURT: And do you understand that an attorney would
13 explain and help you with legal and court procedures? Do you
14 understand that an appointed attorney would do that?

15 MS. ZAYAS: Yes.

16 THE COURT: And do you understand that an attorney could
17 help you investigate and explore possible defenses to the
18 allegations that the Department has made in this case?

19 MS. ZAYAS: Yes.

20 THE COURT: And do you understand that an attorney would
21 help prepare any motions that—that would be brought in this
22 case?

23 MS. ZAYAS: Yes.

24 THE COURT: All right. So, let me ask you a few questions
25 about what you understand if you represent yourself. So, do

1 you understand that if you decide to represent yourself, the
2 judge cannot be your attorney, and the judge can't give you
3 any legal advice?

4 MS. ZAYAS: Yes.

5 THE COURT: Do you understand the Department couldn't give
6 you any legal advice?

7 MS. ZAYAS: Yes.

8 THE COURT: And if there were a CASA involved in this
9 case, they couldn't give you any legal advice.

10 MS. ZAYAS: Yes.

11 THE COURT: And, do you understand that the judge and the
12 Department's attorney and other attorneys involved in the
13 case are not required to explain court procedures or the law
14 to you?

15 MS. ZAYAS: Yes, I do understand that.

16 THE COURT: And, even though you are not an attorney, that
17 you'd be required to follow all legal rules and procedures,
18 including the Rules of Evidence.

19 MS. ZAYAS: Yes.

20 THE COURT: And, do you know that it will probably be
21 difficult to do a good job if you're your own attorney?

22 MS. ZAYAS: Oh, no. It would be spectacular if I could do
23 it. I would love to do it.

24 THE COURT: But, you haven't gone to law school; is that
25 right?

1 MS. ZAYAS: Uhm, yes, but there's really nothing to do
2 because I haven't done anything. So, I'm, like—I mean, it's
3 easy to find out really. I mean, I—I've got [inaudible]
4 nothing. I've got something. I mean, there's—I—I win, so it
5 wouldn't even be a question.

6 THE COURT: All right. So, do you—do you understand that
7 if you represent yourself, that the judge isn't required to
8 provide you with an attorney as a standby counsel or to help
9 you as a legal advisor in any way?

10 MS. ZAYAS: Yes, I understand that.

11 THE COURT: All right. And I just want to make sure that
12 you—you don't have any legal training or experience; is that
13 correct?

14 MS. ZAYAS: Uhm, I've been through five or six
15 dependencies. And so, I know exactly what's about to happen.
16 And so, yeah, that to me is, like, the best training anyone
17 could ever have is actually living through it. But, yeah.

18 THE COURT: All right. So, has—

19 MS. ZAYAS: I don't have any school training, but—

20 THE COURT: Okay.

21 MS. ZAYAS: —yeah.

22 THE COURT: Has anyone made any threats or promises to
23 you to encourage you to represent yourself?

24 MS. ZAYAS: My daughter. She's five, though, so it doesn't
25 matter.

1 THE COURT: All right. So, I—I meant—I'm asking you a
2 serious question. Has anyone threatened or promised you—

3 MS. ZAYAS: No.

4 THE COURT: —anything—

5 MS. ZAYAS: No.

6 THE COURT: —to represent yourself?

7 MS. ZAYAS: No, no.

8 THE COURT: All right. Thank you. And, are you making this
9 decision voluntarily?

10 MS. ZAYAS: Yes, of course.

11 THE COURT: And is this what you want to do, represent
12 yourself?

13 MS. ZAYAS: Yes.

14 THE COURT: All right. Mr. LaRaus, any questions?

15 MR. LaRAUS: I do have a couple of questions, Your Honor.

16 First, ma'am, do you understand that if you represent
17 yourself at trial and you lose, you can't appeal on the basis
18 that you didn't have proper representation? If you make this
19 decision, you face the consequences of representing
20 yourself.

21 MS. ZAYAS: Yes, I understand that.

22 MR. LaRAUS: Okay. And I hope the Court will grant me some
23 leeway. I want to use an analogy here. Ms. Zayas, do you
24 know how to play rugby?

25 MS. ZAYAS: No. No, I'm sorry. No.

1 MR. LaRAUS: Okay. You understand there are rules to the
2 game of rugby like there are rules to any other game, right?

3 MS. ZAYAS: Yes, yes.

4 MR. LaRAUS: Okay. If I said to you, let's bet your entire
5 life savings on whether you can win a game of rugby, do you
6 think it would be a good idea for you to make that bet if
7 you didn't know the rules?

8 MS. ZAYAS: If you've had experience, uhm, being the
9 victim of the rules for 20 years, then I would bet my whole-
10 yeah, I definitely would.

11 MR. LaRAUS: So, you would bet everything you have on
12 winning a game where you didn't know the rules?

13 MS. ZAYAS: When I know the evidence is in my favor and
14 there's nothing else unless it's, you know, created by some
15 weird fashion, then, yeah, I-I don't doubt anything but in
16 truth and innocence on my part. So, yeah, there's nothing I
17 can-I can say I would even need a lawyer for. Yeah.

18 MR. LaRAUS: Let me ask you something else. You filed a
19 lot of documents in this case so far, right?

20 MS. ZAYAS: Yes.

21 MR. LaRAUS: Have any of them achieved anything for you?

22 MS. ZAYAS: Nope. I'm learning. And you know what? I'm
23 learning also in the other court and-and it's a learning
24 process, and no one's going to tell me how to do it because
25 that's going to cost money. So, of course, yes, I'm learning.

1 It's—it's going to be a little bit of a process, but I have
2 learned not to do that. Uh, what—the things that I have filed
3 are probably still sitting there, nobody cares, but that's
4 okay. To me it's a learning experience, and I think that,
5 uhm—I think that I know a little bit about working copies,
6 and I'm sorry to learn how to, uhm—when and how or who gets
7 them or how it works. But, it's still a learning process. I
8 honestly don't think that it will even get that far to where
9 we need to do anything like that. Uh, it's [inaudible] it's
10 not complicated. And I'm confident that I can do it.

11 THE COURT: Anything else, Mr. LaRaus?

12 MR. LaRAUS: This is just—it's a bad idea, but no, no
13 further questions. Thank you.

14 THE COURT: All right. And Mr. Symons, any additional
15 questions?

16 MR. SYMONS: No, Your Honor. Thank you.

17 THE COURT: All right. Thank you. So, Ms. Zayas, I am
18 going to find that you are waiving your right to counsel
19 knowingly, intelligently, and voluntarily. I think that the
20 responses to the questions, I think you understand—I think
21 you understand what you're doing, and I think that you
22 understand the—the allegations in the petition and the
23 consequences if you are to represent yourself, even if that
24 leads to you not being successful.

25 I have previously found that you appear to be competent

1 and that--so, I'm going to find that you are exercising your
2 right to represent yourself. And, with that, I will allow
3 Mr. Symons to withdraw from your case. And, Ms. Zayas, you
4 may represent yourself.

5 MS. ZAYAS: Thank you.

6 THE COURT: So, with that, Mr. LaRaus, when is the next
7 hearing in this case? I can have my bailiff look it up if
8 you wish.

9 MR. LaRAUS: I think it's the--well, let me double-check.
10 It's--we've got a pretrial--sorry, I don't have my schedule--

11 THE COURT: Hold on. We'll look it up.

12 MR. LaRAUS: --right here.

13 THE COURT: Just give the Court one second.

14 MR. LaRAUS: I think it's the 19th, if I recall correctly.

15 THE COURT: We're still looking. One sec.

16 MR. LaRAUS: Oh, the pretrial con--sorry. The pretrial
17 conference and fact-finding have both been continued to
18 July 6th.

19 MS. ZAYAS: That's my daughter's birthday.

20 MS. COWAN: I also have a fact-finding listed for
21 July 6th, Your Honor, at 1:30.

22 THE COURT: Okay. So, let's see. Ms. Zayas, your next
23 hearing then is July 6th at 1:30 p.m.

24 MS. ZAYAS: Okay.

25 THE COURT: And, you can--well, I guess we'll see you at

1 that hearing. You could most likely get your schedule and
2 other documents from your counsel that you may need to
3 represent yourself at that pretrial hearing. And so, we will
4 see you—and it will be by phone, so—because during COVID
5 that is the way that we are doing hearings. And so, you can—
6 do we have the call-in information for that?

7 THE BAILIFF: Yes.

8 THE COURT: Is it the same as today's?

9 THE BAILIFF: No, Your Honor. It's going to be the
10 pretrial conference line, which I will give the folks right
11 now.

12 THE COURT: All right. Ms. Zayas—

13 MR. LaRAUS: So, this is David—

14 THE COURT: Oh, sorry.

15 MR. LaRAUS: —LaRaus. I—

16 THE COURT: Mr. LaRaus? Go ahead.

17 MR. LaRAUS: I was just going to say, I have Ms. Zayas's
18 email, so I can forward her the court information for that
19 hearing. And I'll forward her the calendar once it comes
20 out.

21 THE COURT: All right. Thank you. That would be helpful.

22 THE BAILIFF: And also, Ms. Zayas, if you have a pen and
23 paper, I can give you the court call-in number so you have
24 it today for notice. Are you ready to write that number down?

25 MS. ZAYAS: Okay. Yes, go ahead.

1 THE BAILIFF: Okay. So, it will be the conference line
2 number, which is 206-263-8114. And let me know when you're
3 ready for the PIN number.

4 MS. ZAYAS: Go ahead.

5 THE BAILIFF: The PIN number specifically for that
6 calendar when your hearing will be called is 1347939. And
7 then you'll want to press pound when you are prompted to.

8 MS. ZAYAS: Okay.

9 THE BAILIFF: Mr. LaRaus, are you able to circulate an
10 order to Ms. Zayas for signature via email?

11 MR. LaRAUS: I-I'm sorry. I think Mr. Symons has to sign
12 off on it as well because there's some portions in which he
13 was representing the mother. So, I will circulate a proposed
14 order to Mr. Symons and Ms. Zayas and Ms. Cowan that
15 encompasses all of the findings and act-actions taken in
16 this hearing.

17 THE COURT: All right. Thank you, everyone. And thank you
18 for everyone's patience and hard work. And we will see you
19 again on this case July 6th at 1:30. Thank you all. And that
20 concludes this hearing.

21 MR. LaRAUS: Thank you.

22 MR. SYMONS: Thank you, Your Honor.

23 MR. LaRAUS: Bye-bye.

24 THE COURT: Thank you. Bye-bye.

25 [Session ends at 10:43 a.m.]

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[Session ends at 11:20 a.m.]

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LEGEND OF SYMBOLS USED

— Indicates an incomplete sentence or broken thought.

... Indicates there appears to be something missing from original soundtrack.

[inaudible]

1. Something was said but could not be heard.
2. Speaker may have dropped their voice or walked away from microphone.
3. Coughing in background, shuffling of papers, et cetera, which may have drowned out speaker's voice.

[sic]

1. The correct spelling of that word could not be found, but is spelled phonetically, or —
2. This is what it sounded like was said.

[No response.] There is a pause in proceedings, but no response was heard.

[No audible response.]

 Possible that something was said, but word or words could not be heard.

[Off-the-record discussion.]

1. Discussion not pertaining to case.
2. Discussion between counsel and/or the Court, not meant to be on the record.

NORTHWEST TRANSCRIBERS

March 17, 2021 - 9:48 AM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 81980-1
Appellate Court Case Title: In re the Dependency of: A.C.-Z., Myriam Zayas, Appellant v. DCYF, Respondent

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EXHIBIT 11

1
2 UNITED STATES DISTRICT SUPERIOR
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA
5

6 MYRIAM ZAYAS,)

7 Plaintiff,)

8 vs.)

No. 2:20-cv-00747JCC

9 ANNETTE MESSITT, JEFFREY WHITNEY,)
10 AMBER WHITNEY,)

11 Defendants.)

12 VIDEOTAPED DEPOSITION OF MYRIAM ZAYAS

13 June 14, 2021

14 Via Videoconference
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21
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23
24

25 REPORTED BY: Valerie L. Torgerson, CCR, RPR
License No. 2036

Page 2

1 APPEARANCES - (Via Videoconference)

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24 Also present:

25 Dan Bassett, Videographer

Page 3

EXAMINATION INDEX			
EXAMINATION BY:		PAGE NO.	
Mr. Lenihan		5	
Ms. Cook		60	
Mr. Lenihan		99	

EXHIBIT INDEX			
EXHIBIT NO.	DESCRIPTION	PAGE NO.	
Exhibit No. 1	36-page amended complaint.	12	
Exhibit No. 3	11-page shelter care hearing order.	28	
Exhibit No. 7	2-page clerk's minutes dated 3/17/2020.	32	

Page 4

1 BE IT REMEMBERED that on Monday,

2 June 14, 2021, Via Zoom, at 9:01 a.m., before Valerie L.

3 Torgerson, Certified Court Reporter, RPR, appeared MYRIAM

4 ZAYAS, the witness herein;

5 WHEREUPON, the following proceedings

6 were had, to wit:

7

8 <<<<<< >>>>>>

9 THE VIDEOGRAPHER: We are on record.

10 Time now is 9:01 a.m. Today's date is June 14, 2021.

11 This is Volume 1 of the remotely-recorded video

12 deposition of Myriam Zayas taken in the matter of Zayas

13 versus Messitt, et al., filed in the United States

14 District Court for the Western District of Washington at

15 Tacoma. Case number is 2:20-cv-00747JCC.

16 My name is Dan Bassett. I am the videographer. Our

17 court reporter is Val Torgerson. We are both with B&A

18 Litigation Services.

19 Counsel, please identify yourselves for the record,

20 and then the witness may be sworn in.

21 MR. LENIHAN: Yes. Good morning.

22 This is Brendan Lenihan on behalf of Jeff Whitney, Amber

23 Whitney, and David La Raus.

24 MS. COOK: And good morning. My name

25 is Julie Cook, and I am here on behalf of Annette

Page 5

1 Messitt, Ann Danieli, Pauline Duke, and Jennie Cowan.

2

3 MYRIAM ZAYAS, having been first duly sworn

4 remotely by the Certified Court

5 Reporter, testified as follows:

6

7 EXAMINATION

8 BY MR. LENIHAN:

9 Q Okay. Good morning, Ms. Zayas. Can you please give us

10 your full name for the record and spell your last name,

11 please?

12 A Myriam Zayas, Z-a-y-a-s.

13 Q Okay. Thank you.

14 So my name is Brendan Lenihan. I'm an Assistant

15 Attorney General with the State of Washington, and as we

16 talked about earlier, I represent Jeff Whitney, Amber

17 Whitney, and David La Raus. So I am going to ask you

18 some questions first, and then after I'm done, we will

19 have further questions by Julie Cook on behalf of her

20 clients -- so that will be kind of the chronology of

21 this -- and I might have some follow-up after Ms. Cook.

22 Does that make sense?

23 A Yes.

24 Q Great.

25 So where are you physically located right now for

MYRIAM ZAYAS vs ANNETTE MESSITT
Zayas, Myriam - June 14, 2021

<p style="text-align: right;">Page 6</p> <p>1 this deposition?</p> <p>2 A 27369 129th Place Southeast, Kent, Washington 98030; in</p> <p>3 my living room.</p> <p>4 Q Okay. Great.</p> <p>5 So you're in your home; right?</p> <p>6 A Yes.</p> <p>7 Q Is anybody else in the room with you?</p> <p>8 A No. My son's upstairs, but he doesn't hear anything</p> <p>9 because he has those video game headphones on, so we're</p> <p>10 good.</p> <p>11 Q Okay. Thank you.</p> <p>12 So let me just go over some of the basic rules of</p> <p>13 the deposition so it's -- so we're all on the same page.</p> <p>14 Your answers -- as you -- you just swore an oath to tell</p> <p>15 the truth here, so your answers will be under oath and</p> <p>16 subject to penalties of perjury the same as if you were</p> <p>17 testifying in a courtroom.</p> <p>18 So does that make sense?</p> <p>19 A Yes.</p> <p>20 Q Okay. Great.</p> <p>21 And the testimony you give today may be used later</p> <p>22 in this proceeding or at trial as evidence. You</p> <p>23 understand that?</p> <p>24 A Yes.</p> <p>25 Q Great.</p>	<p style="text-align: right;">Page 8</p> <p>1 then I'll make sure to give you plenty of time to answer,</p> <p>2 and I'll do my best to let you finish before -- I'll do</p> <p>3 whatever I can to make sure I'm not interrupting you too.</p> <p>4 Okay?</p> <p>5 A Okay.</p> <p>6 Q Okay. Have you reviewed any records to prepare for the</p> <p>7 deposition today?</p> <p>8 A I tried to read through the installments that I've</p> <p>9 gotten, and -- yeah, I got four or five of them just to,</p> <p>10 you know, get an idea of what -- what else I was missing,</p> <p>11 but otherwise, for the most recent incident, I -- it's</p> <p>12 pretty much right there. I remember most of it.</p> <p>13 I don't -- I don't -- I don't want to think about or</p> <p>14 remember most of it, but I do. I know that -- the dates</p> <p>15 pretty much by heart and, you know, the most important</p> <p>16 details.</p> <p>17 Q Okay. So when you say "installments," you're referring</p> <p>18 to the -- am I correct that you're referring to the</p> <p>19 public records requests that you've -- information that</p> <p>20 you've received?</p> <p>21 A Yeah. When I first received them before, I never looked</p> <p>22 at them because I was really upset, so I kind of bypassed</p> <p>23 them, but lately I've been dissecting them, so it's been</p> <p>24 interesting.</p> <p>25 Q Okay. And I forgot to mention this, but we'll -- I want</p>
<p style="text-align: right;">Page 7</p> <p>1 So if at any point today you don't understand a</p> <p>2 question I've posed to you, please just ask me to repeat</p> <p>3 or rephrase. I want to make sure that my question is</p> <p>4 clear, and if you're unclear what I'm asking, just ask me</p> <p>5 to rephrase it for you.</p> <p>6 Okay?</p> <p>7 A Okay.</p> <p>8 Q And I want to make sure that you testify to your own</p> <p>9 personal knowledge. So I'm not asking you and I don't</p> <p>10 want you to guess or speculate as to answers if you don't</p> <p>11 know what the answer is. If you don't know, then you</p> <p>12 don't know, and that's fine. So just give me your</p> <p>13 personal knowledge as to what you can actually testify to</p> <p>14 from your own knowledge, not to what you can speculate or</p> <p>15 your conjecture about something else.</p> <p>16 Okay?</p> <p>17 A Okay.</p> <p>18 Q So everything we say is being taken down by the court</p> <p>19 reporter, and she's making a written transcript. And so</p> <p>20 for the sake of the court reporter's sanity, I'm just</p> <p>21 going to make sure that we -- let me finish my question.</p> <p>22 Even if you think -- guess where I'm going with the</p> <p>23 question, just make sure you let me finish so that we're</p> <p>24 not interrupting each other, and that will make it easier</p> <p>25 for the court reporter to have a clean transcript. And</p>	<p style="text-align: right;">Page 9</p> <p>1 to right up front say that we'll take breaks as needed</p> <p>2 throughout the deposition, perhaps every hour or so, but</p> <p>3 if you need it sooner than that for some reason, feel</p> <p>4 free to just say you need a quick break, and then you can</p> <p>5 go on mute and turn off the video. And just the only</p> <p>6 rule with that is that if I've posed a question to you,</p> <p>7 just please answer the question before we go on break.</p> <p>8 Okay?</p> <p>9 A Okay.</p> <p>10 Q Okay. So are you -- are you currently employed,</p> <p>11 Ms. Zayas?</p> <p>12 A No. I've been on unemployment for about -- since October</p> <p>13 2019.</p> <p>14 Q Okay. Since October 2019.</p> <p>15 And what job did you have prior to October 2019?</p> <p>16 A Quality control inspector for Zack Aerospace.</p> <p>17 Q I'm sorry. Say that again. Control inspector for who?</p> <p>18 A It's a quality control inspector for Zacks Aerospace.</p> <p>19 It's like -- we inspect small airplane parts for Boeing</p> <p>20 and Amazon -- or Blue Origin. Sorry. Blue Origin.</p> <p>21 Q Okay. Thank you.</p> <p>22 And how long were you with them?</p> <p>23 A Just about a year. Not even that. And before that I was</p> <p>24 in school for two years.</p> <p>25 Q Okay. And what were you in school for?</p>

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1 **A Business technology.**
 2 Q Okay. Did you obtain a degree from the schooling?
 3 **A I was one class short when I started -- I lost that one**
 4 **class, but that was about the time when they started**
 5 **asking me for drug tests, and so I just dropped.**
 6 (Reporter clarification.)
 7 **A It was about the time Kejana started contacting me about**
 8 **taking drug tests and saying that if I didn't take a drug**
 9 **test that they would take [ACZ] from me. So I kind of --**
 10 **I wouldn't say that's the reason that I failed the class,**
 11 **but it definitely put a -- I don't know -- load on me, I**
 12 **guess. I don't know.**
 13 Q (By Mr. Lenihan) Okay. And when you say "Kejana,"
 14 you're referring to CPS social worker Kejana Black?
 15 **A Yes.**
 16 Q And when you say "[ACZ]" you're referring to your
 17 daughter, [ACZ].
 18 **A Yes.**
 19 Q Okay. Thank you.
 20 And so you stopped pursuing the degree in
 21 approximately September -- or September of 2019 due to --
 22 and explain this to me again. What was the reason for --
 23 **A Well, I continued. I just didn't get an A or a B, like a**
 24 **passing grade. I finished; I just didn't get the grade I**
 25 **thought I would get, and I think that it had a lot to do**

Page 11

1 **with the fact that they were back, and it was like not**
 2 **even two years prior when I just got done, I thought,**
 3 **with everything, so...**
 4 Q Okay. Understood.
 5 And can you -- what was the name of the school that
 6 you were attending for --
 7 **A Bellevue College.**
 8 Q Ability College?
 9 **A Bellevue. Sorry. Bellevue College.**
 10 Q Oh, Bellevue College. Thank you.
 11 Okay. So since October of 2019, you have been
 12 unemployed; is that correct?
 13 **A Yeah.**
 14 Q Okay. And what sources of other income, if any, do you
 15 have right now?
 16 **A Just unemployment. They've actually gone up since the**
 17 **pandemic. I don't know if you guys know, but they're**
 18 **actually pretty -- it's not the same as regular**
 19 **unemployment. It's higher up. They added, like, 300 to**
 20 **each check pretty much.**
 21 Q Okay. Understood.
 22 Just to get some clarity on the lawsuits you have
 23 currently pending, Ms. Zayas, aside from the one we are
 24 here to discuss today, how many other lawsuits do you
 25 have currently pending in federal and state court?

Page 12

1 **A Four. Yeah, four. Yeah, four.**
 2 Q And are these -- are all of these lawsuits related to the
 3 dependency of your child, [ACZ]?
 4 **A Yes. They're also -- well, related to her birth and the**
 5 **hospital mandated reporters and -- oh, and her teacher**
 6 **and -- what was the other one? Yeah, they're all pretty**
 7 **much related.**
 8 Q Okay. So let me -- did you receive the password to open
 9 up the exhibits that we sent you this morning?
 10 **A Yes.**
 11 Q Great.
 12 If you could take a look at Exhibit No. 1. Tell me
 13 if you can get that open for me.
 14 **A I have to find where I put things first.**
 15 **Okay. Yeah. Wait a minute. Is it called 12th**
 16 **Amended Complaint?**
 17 Q Correct. Correct.
 18 So you have that open now?
 19 **A Yeah. It might take a second. My computer is slow.**
 20 Q Sure. And take a quick second to look at that, and let
 21 me know when you've had a chance to -- if you recognize
 22 that document.
 23 I'll represent to you --
 24 MS. COOK: And, Brendan, I'm sorry to
 25 interrupt. I was unable to open the exhibits. I'm fine

Page 13

1 with the way you're referring to them, but are you going
 2 to publish those at all during the deposition?
 3 MR. LENIHAN: You mean on the Zoom
 4 screen?
 5 MS. COOK: Exactly.
 6 MR. LENIHAN: I wasn't going to. I
 7 can -- if you need me to, I certainly -- I can do that.
 8 I certainly will get you the exhibits after we complete
 9 the deposition, but if you need me to, I can try to
 10 publish it on the Zoom screen as -- oh, sorry. Is this
 11 Julie asking me?
 12 MS. COOK: This is Julie. I'm sorry.
 13 MR. LENIHAN: Okay. I'm sorry. I
 14 thought it was the court reporter. Yes, Julie, let me
 15 just -- I will have -- let me just send a quick message
 16 to my paralegal to send you a copy of all the exhibits.
 17 Is that okay?
 18 MS. COOK: Okay. That's fine. I'm
 19 familiar with them. I just didn't have them all handy,
 20 so thank you.
 21 MR. LENIHAN: Sure.
 22 **THE WITNESS: Okay.**
 23 MR. LENIHAN: Okay. Julie, you should
 24 be getting that soon. All right?
 25 MS. COOK: Thank you.

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1 Q (By Mr. Lenihan) Okay. Ms. Zayas, if you have that
 2 open, this is -- this -- you filed -- this is -- was your
 3 12th amended complaint in this lawsuit that you filed on
 4 November 25th, 2020?
 5 And you can see that at the top of the document. Do
 6 you see that?
 7 **A Yeah.**
 8 Q Okay. This is your most recent version of your
 9 complaint. So let me -- and this is Docket No. 35 in the
 10 court docket.
 11 Do you recognize this?
 12 **A Yeah. I mean -- yeah.**
 13 Q Great.
 14 So it looks like this -- let's go to Page 19,
 15 please, real quick. And when you get there, I see a
 16 signature -- your signature is at the bottom. Is that
 17 accurate, that you signed this document certifying --
 18 **A How do you know which one is -- okay. Yeah, I see. Got**
 19 **it. Yeah. I went crazy. Yeah, I lost it.**
 20 **Yeah. That's me. I signed it.**
 21 Q Okay. So that's your signature?
 22 **A Mm-hm.**
 23 Q Is that a yes?
 24 **A Yes. Yes.**
 25 Q Okay. Thank you.

Page 15

1 It's -- I should have said this. For the sake of
 2 the court reporter as well, I need you to verbalize "yes"
 3 or "no" because she can't type down the "mm-hm," so --
 4 **A Yeah.**
 5 Q I'm sorry. I should have told you that earlier.
 6 **A Sorry about that.**
 7 Q Okay. So that's on Page 19, but the document is 38 --
 8 or, I'm sorry, is 36 pages long. So I just want to make
 9 sure that I understand that this is -- your complaint is
 10 Pages 1 to 19 of this document, and then 20 to 36 are the
 11 documents you attached in support of the allegations you
 12 raised in the complaint; correct?
 13 **A Yes.**
 14 Q Okay. And this 12th amended complaint accurately and
 15 fully captures your allegations against David La Raus,
 16 Amber Whitney, and Jeff Whitney, and all of the
 17 defendants; is that right?
 18 **A Yes. All -- all of -- all of my complaints are, I think,**
 19 **relevant because I didn't know about the forgery until**
 20 **July. So even the first one where I said, "Hey, you**
 21 **know, this lady's not listening to me," I think is**
 22 **completely relevant because I think judges should not**
 23 **silence people in court, and I think it's important that**
 24 **parents be able to speak when their children are being**
 25 **taken.**

Page 16

1 **So even though the first complaint was not correct**
 2 **because I didn't know about the forgery yet, it was**
 3 **still, I think, completely relevant because I don't think**
 4 **anybody should be silenced when a child is being taken**
 5 **away.**
 6 Q Okay. And you discuss in this 12th amended complaint
 7 your allegations about that shelter care hearing on
 8 March 17th, 2020, and that's what you're referring to,
 9 right, as what you -- is what you're stating was un- --
 10 well, fraudulent, I think you referred to in the
 11 complaint?
 12 **A Well, yeah, because I never met Danieli, so I don't know**
 13 **who that is.**
 14 Q Okay. So let's walk through the complaint for a minute
 15 just because you have -- you named seven different people
 16 as defendants in the lawsuit, so I want to make sure I'm
 17 understanding who you're accusing of what, and I also am
 18 seeking some clarity as to what exactly your allegations
 19 are.
 20 Okay?
 21 **A Okay.**
 22 Q So if you can please go to Page 3 of your complaint,
 23 Paragraph 3. I'm looking at the first sentence of
 24 Paragraph 3, which says, "Defendants, the" -- "the
 25 'Whitneys' Jeffrey and Amber Whitney at all times

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1 relevant hereto is/was the foster-to-adopt parents who
 2 immediately received 'adoption assistance' too soon for
 3 any reasonable efforts to have been made with respect to
 4 the Adoption and Safe Families Act of 1997."
 5 Did I read that correctly?
 6 **A Yes.**
 7 Q Okay. What do you mean by "adoption assistance"?
 8 **A It starts on day one of pickup. It shouldn't, but it**
 9 **does. CPS has -- they've just gone -- they've gone**
 10 **crazy. I don't know what's going on. They started --**
 11 **they don't -- they're not the same like they used to be.**
 12 **I've been dealing with them for 20 years, believe it or**
 13 **not, since 2001, so I know what an in-home dependency**
 14 **consists of. I know what adoption assistance is. I've**
 15 **studied it for the last year and a half.**
 16 **And they collected it on ACZ. Even when she was**
 17 **born and she was still with me, they still collected it.**
 18 **I don't know how, but -- they're only supposed to collect**
 19 **it when the child is placed with foster -- in a foster**
 20 **home that's licensed. They can't collect adoption**
 21 **assistance any other way.**
 22 **And adoption assistance is, like, an astronomical**
 23 **amount of money that is paid to the State and to the**
 24 **foster parents -- but they only get, like, 900, not even**
 25 **that much, but the State gets, like, 17,000 to 39,000**

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1 depending on the situation, where the -- whether the kid
2 is on medication or the kid has issues or priors or
3 whatever. They just prep all kinds of little points that
4 go in there to make it higher.

5 And this money starts -- it's supposed to start when
6 the termination petition is filed, which they secretly
7 squeezed into the shelter care hearing order, I believe,
8 maybe not. I think the sentence is below the signature
9 line of the shelter care -- I might be wrong. It might
10 not be the shelter care hearing order. It might be the
11 fact finding -- one of those hearings, there's a sneaky
12 little sentence that says, you know, you just agreed to
13 us filing a petition to terminate blah, blah, blah.
14 That's because they have to do that to start this
15 funding, the adoption assistance funding.

16 So basically concurrent planning is U.S. law, and
17 they have to do -- they have to do concurrent planning,
18 so they have to basically put out for adoption on day
19 one. But according to the Adoption of Safe Families Act,
20 they have to have made reasonable efforts, and I guess --
21 I guess there wasn't really -- I guess maybe their theory
22 of reasonable effort was made in the prior dependency of
23 **ACZ** maybe that's where they get it from, but I can't
24 think of why they would think that reasonable efforts
25 were made on the first day of pickup, I mean, because

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1 they forced the licensed foster placement --

2 Q Okay.

3 A -- and they --

4 Q Oh, sorry.

5 A Go ahead.

6 Q So you say "they." You're referring to "they." Are you
7 referring to the Whitneys, or are you referring to DCYF?

8 A Well, the Whitneys accepted it. They accepted adoption
9 assistance on day one, so they knew what they were
10 accepting when they accepted it. So whether they -- you
11 know, they accepted it. They knew the money, what they
12 were accepting. They knew it was adoption assistance, so
13 they knew -- I mean, if they don't know what they're
14 receiving, they should probably, you know, be educated on
15 it. I'm pretty sure they know what they're receiving.

16 Q Okay. Okay. What evidence are you relying on to make
17 the -- that allegation, Ms. Zayas?

18 A That I attempted to voluntarily place her three weeks
19 prior, and Kelsey Owens refused voluntary placement when
20 I was in the hospital and I needed someone to come watch
21 **ACZ**. She came to my house the day before and said,
22 "You need to go back to the hospital or else you're going
23 to get in trouble and, you know, you could die," blah,
24 blah, blah.

25 So I went under the impression that she was going to

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1 help me or -- I don't know. Really, I didn't know if she
2 would help me or not. I really didn't think they were
3 going to keep me. I didn't know. And so when we did,
4 then I called her back, and she said no. I was like,
5 what? Like, I didn't get it. And I -- it didn't click
6 then, you know. I didn't realize what it was, but they
7 can't accept voluntary placement. They won't get any
8 funding for that. They have to have a judge determine
9 to -- the judge is in charge of the money --

10 Q Okay.

11 A -- you know, funding and stuff.

12 Q Anything else? Any other evidence you rely on for that
13 assertion that Jeff and Amber Whitney accepted adoption
14 assistance?

15 A They asked for the money in the emails through Olive
16 Crest. Olive Crest was bugging -- what you call it --
17 Jamal -- I want to say Jamal, maybe Julie -- emailing
18 them saying, "Hey, where's the payment? Where's the
19 payment?"

20 Because they weren't too happy with not getting paid
21 right away or something like that. And they got it
22 because they stopped emailing about it in that 2,500
23 pages of repetitive emails.

24 Q Okay. So I think I requested those documents from you in
25 the request for production I sent you. So will you be

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1 sending us those emails that you state prove your point
2 here?

3 A Yeah. There's a link to it, but the thing is, each email
4 happens, like, five times. I don't know why they do
5 this. Like, the same email will happen five times, and
6 then the next email won't come until -- yeah, it's weird.
7 It's like a tread, so you get a lot of repetitive emails.
8 You have to, like -- I don't know how they do that,
9 but --

10 Q Understood. But so you will send that --

11 A I sent --

12 Q You did send it?

13 A Yeah, I sent it to the -- I sent it in a link and in an
14 email, but it's really a big document.

15 Q And you sent that to our office?

16 A Yeah.

17 Q Okay.

18 A I sent it via either link or also attachment as an email.
19 Yeah, it's called "emails redacted." It was from public
20 disclosure, and it was sent to me in a USB form --

21 Q Okay.

22 A -- because there was so much email.

23 Q Understood.

24 And these emails are -- your allegations are those
25 emails show that the Whitneys accepted adoption

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<p style="text-align: right;">Page 22</p> <p>1 assistance money; is that correct?</p> <p>2 A Well, accepted federal funding. I mean, I'm assuming</p> <p>3 it's adoption assistance. They did say something</p> <p>4 about -- I mean, there was a few emails about the funding</p> <p>5 and it not coming on time, and then -- yeah. Because</p> <p>6 they weren't going to, like -- it was kind of like they</p> <p>7 were frustrated because they weren't getting paid or</p> <p>8 something at first, but then they did get paid and -- it</p> <p>9 was just weird. So you'd have to read -- but the first</p> <p>10 50 pages have all their -- between Olive Crest and Jamal</p> <p>11 and Julie going back and forth about when they should be</p> <p>12 receiving this payment for -- and it's from -- they said</p> <p>13 federal funding, so I'm not sure.</p> <p>14 You're right. It might not have been adoption</p> <p>15 assistance, but, I mean, my guess is that's why they</p> <p>16 forged the foster placement because they had another</p> <p>17 option, but they wouldn't even consider her as placement,</p> <p>18 so...</p> <p>19 Q Okay. So you just said they forged their foster</p> <p>20 placement. Who is "they"?</p> <p>21 A Julie, the social worker.</p> <p>22 Q Okay. Julie --</p> <p>23 A DeCamp.</p> <p>24 Q -- DeCamp, you're saying that she forged a foster --</p> <p>25 A Forged foster -- yeah. Because they had -- they had a</p>	<p style="text-align: right;">Page 24</p> <p>1 They didn't, like, themselves, but --</p> <p>2 Q Okay. Understood. Thank you.</p> <p>3 So let's move on to Page 4, Ms. Zayas. If you take</p> <p>4 a look at Page 4 of the complaint, the -- well, let me</p> <p>5 briefly --</p> <p>6 MR. LENIHAN: Julie, were you able to</p> <p>7 open the exhibit?</p> <p>8 MS. COOK: Sorry. I'm following along</p> <p>9 on my copy right now, and I will -- yes, I can open it</p> <p>10 now.</p> <p>11 MR. LENIHAN: Okay.</p> <p>12 MS. COOK: Thank you very much. I</p> <p>13 appreciate that.</p> <p>14 MR. LENIHAN: Great. All right.</p> <p>15 Q (By Mr. Lenihan) Ms. Zayas, the bottom of Page 4, that</p> <p>16 final paragraph, do you see where it starts -- the first</p> <p>17 sentence says, quote, "Number 4-6 conspired with Judge</p> <p>18 Messitt and continue to cover the forgery" -- did I read</p> <p>19 that correctly?</p> <p>20 A Yes.</p> <p>21 Q Okay. So number 5 on this page is David La Raus, so are</p> <p>22 you alleging that David La Raus conspired with Judge</p> <p>23 Messitt to cover the forgery, as you put it?</p> <p>24 A He was the first one in the hearing of June 9th who swore</p> <p>25 that it wasn't, you know, her who was the judge and</p>
<p style="text-align: right;">Page 23</p> <p>1 person that they could have placed her with, but they</p> <p>2 refused to place her there because they said something</p> <p>3 about some old CPS case she had or something like that</p> <p>4 from 20 years ago.</p> <p>5 Q Okay. And that -- so that allegation you just made</p> <p>6 there, is that reflected in your complaint anywhere, your</p> <p>7 12th amended complaint? I don't read that --</p> <p>8 A No. Because it really didn't have anything to do with</p> <p>9 Messitt, so it really didn't have anything to do with the</p> <p>10 court actual proceeding. I didn't want to, you know,</p> <p>11 bring the social workers into this, but at the same time,</p> <p>12 I mean, I guess -- it's not her job to make sure that</p> <p>13 they, you know, find relatives or whatever. It's their</p> <p>14 job, I guess.</p> <p>15 Q Okay. So that allegation is related to a different</p> <p>16 case --</p> <p>17 A Yeah.</p> <p>18 Q -- am I correct?</p> <p>19 A Yeah. I tried not to -- I mean, even though the Whitneys</p> <p>20 only dealt with social workers, they still -- they knew</p> <p>21 that they were getting the adoption assistance, I mean.</p> <p>22 Q Okay. And you say the reason for that is -- why do you</p> <p>23 think they knew that?</p> <p>24 A Because they -- I mean, they emailed and asked for it and</p> <p>25 complained about it, or somebody did from Olive Crest.</p>	<p style="text-align: right;">Page 25</p> <p>1 claimed that -- you know, and the way he just, like,</p> <p>2 slaughtered me, like, saying I'm mentally ill all of a</p> <p>3 sudden, I just knew. I knew something was up, you know,</p> <p>4 because he went nuts. I don't even know this guy, and he</p> <p>5 just -- he stuck up for her like he was a Pit Bull, and I</p> <p>6 was like, whoa, and I couldn't believe, like, the</p> <p>7 stuff -- like, he put me -- like, mentally ill, blah,</p> <p>8 blah, blah, like, immediately.</p> <p>9 I never met this guy, don't know him from anywhere.</p> <p>10 He barely knows me. I mean, I guess -- maybe he thinks</p> <p>11 he knows me. It was like an instant hate, like, boom,</p> <p>12 and it was so obvious that he was trying to cover</p> <p>13 something or, like -- and he kept insisting, you know,</p> <p>14 that that was -- "She doesn't have the right judge, Your</p> <p>15 Honor. She doesn't have the right judge."</p> <p>16 And I'm like, wow, I didn't go there, but okay. I</p> <p>17 didn't even say anything about that. But as soon as I</p> <p>18 mentioned the hearing and said, "Hey" -- you know,</p> <p>19 something about, "Do you know why my daughter is in</p> <p>20 foster care?" And he flipped out, like -- and I knew</p> <p>21 just by the instant -- talking over everybody that he --</p> <p>22 and I have a link to that one too, the audio from that</p> <p>23 where he's just going crazy.</p> <p>24 Because I guess I just was being kind of mean maybe,</p> <p>25 but I guess I hadn't had a hearing in months, so I just</p>

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<p style="text-align: right;">Page 26</p> <p>1 kind of -- I just lost it a little bit, but she didn't 2 say anything. He spoke for her, and I think because he 3 knew the answer, and he knew to protect her from whatever 4 I was accusing her of, which I didn't even know about the 5 forgery at that time. I didn't find the forgery until 6 way later, but I just knew that -- 7 Q Okay. 8 A I just knew that -- I just thought it was -- and he 9 confused me a lot about it being Messitt or Danieli. He 10 did a good job of confusing me. That was weird, but 11 yeah. 12 Q So you're saying he -- well, let's -- when you're saying 13 he -- he protected her or defended her, you're referring 14 to Judge Messitt; is that correct? 15 A Yeah. He wouldn't let her answer the questions or 16 anything. He just, you know, jumped in like Superman, 17 and I just -- I knew something was up with that, you 18 know, just how -- and I don't know him. He was so mean 19 to me so suddenly, and I just thought, wow. 20 Q Understood. 21 And so this is in reference to the -- what you said 22 was the June 9th, 2020, hearing? 23 A There's one on the 18th and one on the 9th, but I have 24 them both in the same folder. I probably added the link 25 under the -- saying it was the first hearing after the no</p>	<p style="text-align: right;">Page 28</p> <p>1 found on the docket myself, by paying for it, did not 2 have anyone's signature on it but Danieli's, and that was 3 just because I paid for it because I was, like, trying to 4 get evidence for the -- what Kelsey said, but I wouldn't 5 find anything with what anybody said because nothing was 6 recorded. 7 So all I found was just what was filed with the 8 docket, and that was all -- what was it? -- the shelter 9 care hearing order, the healthcare authorization form, 10 but nothing was signed by anybody but Danieli. So it was 11 just no signatures at all. 12 Q Well, let's -- okay. Let's see if I -- 13 A I sent everything to you guys, but -- 14 Q Right. 15 So, Ms. Zayas, can you take a look at Exh bit 3 -- 16 if you bring that up real quickly -- and this is what I 17 believe you mean by the shelter care hearing order on 18 March 17th, 2020. 19 Let me -- correct me if I'm wrong. 20 A No. The one on the docket doesn't have Sebastian or 21 Hannah Gold's signature on it. It only has Danieli. 22 They signed it afterwards because -- I think because they 23 didn't want to sign it prior to because that's a crime if 24 you file that official docket. That actual -- that makes 25 them felons, so of course they're not going to do that,</p>
<p style="text-align: right;">Page 27</p> <p>1 hearing for months, two months no hearings and everybody 2 ignored my kind of thing. So that was -- either 5/18 or 3 6/9 was the first two hearings. 4 Q 5/18 or -- May 18 or June 18? 5 A 5/18 was the first -- very first hearing, and I think 6 that's the one where he was yelling. The 6/9 one I think 7 was a different judge because they played a switcheroo 8 because -- you know, just trying to make it look like 9 they had switched judges all the time, which they don't. 10 I don't know. It's just trying to confuse me, you know, 11 threw another judge in there. For what reason, I don't 12 know. 13 Q Okay. So am I summarizing this correctly? Based on -- 14 based on what you -- the evidence you have and the 15 transcripts from those court hearings, you're alleging 16 that David La Raus conspired with Judge Messitt; is that 17 right? 18 A Yes. 19 Q Okay. And you said -- you said you found a forgery later 20 that -- yeah, I think you just testified to that. 21 So what do you mean by -- what forgery did you find? 22 A The shelter care hearing order I never had. Nobody 23 ever -- the first person to send it to me was Kathleen -- 24 I forget her last name. My lawyer's boss. She sent it 25 to me via email. I didn't even know -- the one that I</p>	<p style="text-align: right;">Page 29</p> <p>1 you know. They can't -- like, once they filed it, that's 2 the crime. There's no crime if they don't file it; it's 3 just forgery. But if they file it, then they're, like, 4 making it official. So the one on the docket doesn't 5 have their signatures at all. 6 Q So if you -- do you have Exhibit 3 open? 7 A Yeah. Mm-hm. 8 Q Okay. Now, this is the shelter care hearing order from 9 March 17th, 2020. If you go to Page 10 -- if you take -- 10 please take a look at Page 10. 11 A Yeah. 12 Q So are these the signatures that you say are -- explain 13 to me again what you believe is fraudulent with this 14 document. 15 A Kelsey signed it, obviously, but Sebastian didn't sign 16 it, the one on the docket, and neither did Hannah Gold. 17 I believe that they signed it afterwards because they 18 knew that, you know, if they signed it before, then 19 they're just guilty of forgery. 20 But you can tell Kelsey wrote that for commissioner 21 because the top of the S is similar to her signature. 22 It's just similar to her handwriting. 23 Q Okay. So your allegation is that Kelsey signed this 24 document on behalf of the commissioner? 25 A She may have not -- she may have just wrote the word</p>

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<p style="text-align: right;">Page 30</p> <p>1 "commissioner," and then someone else signed it. I don't</p> <p>2 know who signed it.</p> <p>3 Q Okay. And correct me if I'm wrong, but Hannah Gold is --</p> <p>4 or was your attorney at the time of this dependency --</p> <p>5 A Yes.</p> <p>6 Q -- hearing?</p> <p>7 A She was, yeah.</p> <p>8 Q Okay. If you can return to your Exhibit 1, your 12th</p> <p>9 amended complaint, if you can bring that up again and go</p> <p>10 to Page 5, please.</p> <p>11 Let me know when you're there.</p> <p>12 A I'm here.</p> <p>13 Q Okay. The third paragraph down, it reads, quote, "The</p> <p>14 court clerk, bailiff, and all parties related to the</p> <p>15 creation of the fake fraudulent audio, connected to the</p> <p>16 shelter care hearing 'minutes' added 5 months after</p> <p>17 March 17th, 2020, include David La Raus, Jennie Cowan,</p> <p>18 Pauline Duke, all of them approved of this false forged</p> <p>19 document under oath at the Plaintiff's trial in their</p> <p>20 attempt to further the fraud, they continue to conspire</p> <p>21 today and are now holding her child away from her without</p> <p>22 probable cause for removal from day one."</p> <p>23 Did I read that correctly?</p> <p>24 A Yes.</p> <p>25 Q Okay. What is the -- what, quote, "fake fraudulent</p>	<p style="text-align: right;">Page 32</p> <p>1 never met Danieli.</p> <p>2 Q Well, do you have --</p> <p>3 A I mean, unless -- unless they had a hearing somewhere</p> <p>4 else with Danieli and -- I never -- I never met Danieli.</p> <p>5 There was no way I was at a hearing with Danieli because</p> <p>6 I don't know who she is. And their cost of accusations</p> <p>7 of me being delusional, I don't -- I know who I've met</p> <p>8 and I know who I haven't met, and I know the reason that</p> <p>9 Judge Messitt didn't want to see me for so long, because</p> <p>10 she was hoping I would forget what she looked like.</p> <p>11 That's what she was hoping for, that I would forget, and</p> <p>12 then if I ever saw the document again, I would -- I would</p> <p>13 think, oh, well, it might have been.</p> <p>14 Q Okay. So aside from your allegation that Ann Danieli was</p> <p>15 not present at the hearing, do you recall being at a</p> <p>16 72-hour shelter care hearing on March 17th?</p> <p>17 A With Judge Messitt.</p> <p>18 Q Okay.</p> <p>19 A Not with Ann Danieli.</p> <p>20 Q Okay. If you can please open Exhibit 7 real quickly.</p> <p>21 This is the minutes -- the clerk's minutes from the</p> <p>22 March 17, 2020, hearing.</p> <p>23 And let me know when you have that open.</p> <p>24 A Mm-hm.</p> <p>25 Q Do you recognize this document?</p>
<p style="text-align: right;">Page 31</p> <p>1 audio" are you referring to?</p> <p>2 A It was exhibit -- probably -- I'd say the exhibit -- his</p> <p>3 exhibit list was like -- he had -- the audio was one of</p> <p>4 the first -- it was their way of proving that it did</p> <p>5 happen, the shelter care hearing.</p> <p>6 And so, yeah, they created this fake audio. And I</p> <p>7 know -- I don't -- I'm the only person who echos in that</p> <p>8 audio, by the way. Nobody else echos. And, I mean, I</p> <p>9 could hear the file cabinet door slam at two minutes</p> <p>10 after Kelsey first started talking. I don't remember any</p> <p>11 file cabinets in the courtroom. Maybe I'm wrong. But I</p> <p>12 never met Danieli. That's for sure. So I don't -- that</p> <p>13 couldn't have been me. If I never met Danieli, then that</p> <p>14 was completely false and fake.</p> <p>15 And they didn't, of course -- they did add it to the</p> <p>16 docket, but they also added it to their evidence in</p> <p>17 trial. And being that Pauline and Jennie both agreed --</p> <p>18 because they're thinking, hey, you know, if we agree, we</p> <p>19 can trick her into thinking it's really real and -- like</p> <p>20 I'm stupid or something. And that's their move, you</p> <p>21 know.</p> <p>22 Q So is -- are you alleging that you were not at a hearing</p> <p>23 on March 17th, 2020?</p> <p>24 A I mean, apparently I wasn't. If Danieli was the judge, I</p> <p>25 couldn't have been. That couldn't have been me because I</p>	<p style="text-align: right;">Page 33</p> <p>1 A Yeah. They made that after I said something. That's</p> <p>2 when they made that.</p> <p>3 Q What do you mean by they made that up after you said</p> <p>4 something?</p> <p>5 A I emailed them, and I said -- I said, "Excuse me. I</p> <p>6 don't see any minutes on" -- and the clerk explained to</p> <p>7 me what -- I didn't know what the docket was -- consisted</p> <p>8 of. I didn't know what minutes were. I didn't know</p> <p>9 anything. She explained and educated me on what the</p> <p>10 docket consisted of and what minutes were and if there</p> <p>11 were no minutes there was no hearing type thing.</p> <p>12 And so I'm like, "Really?" And, you know, when I</p> <p>13 found that out, I emailed David -- I emailed everybody,</p> <p>14 and I said, "Okay. There's no minutes. Do you" -- and</p> <p>15 they're like, "Oh, okay. Well, here. We have minutes</p> <p>16 right here."</p> <p>17 So they made this, and this is their way of trying</p> <p>18 to -- but it's not even close to true because the</p> <p>19 agreement was not -- what is it called -- two hours. It</p> <p>20 was four hours for visitation. And it says that in the</p> <p>21 shelter care hearing order. So, I mean, there's a few</p> <p>22 things that they did wrong that, you know, they, of</p> <p>23 course, will say is no big deal, but --</p> <p>24 Q So if you look at the top, and it says -- under the</p> <p>25 heading "Appearances" -- do you see that?</p>

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<p style="text-align: right;">Page 34</p> <p>1 A What do you mean?</p> <p>2 Q Do you see the -- near the top of this Exhibit 7, right</p> <p>3 beneath the title of the court, it says "Appearances,"</p> <p>4 and then it lists the people --</p> <p>5 A Oh, yeah. Mm-hm. Yeah.</p> <p>6 Q Okay. Other than your allegation that Ann Danieli was</p> <p>7 not at this hearing, is everybody else -- do you agree</p> <p>8 that everybody else who made an appearance according to</p> <p>9 this clerk's record was at the hearing?</p> <p>10 A Yes. Except for -- I don't know -- never -- I don't --</p> <p>11 like I said, I don't know who Sebastian Miller is, so --</p> <p>12 I mean, he could have been Tom, Dick, and Harry. I</p> <p>13 don't -- I just know that that's who I think he is.</p> <p>14 Q Okay.</p> <p>15 A At this point, I don't really trust any of them, so I</p> <p>16 don't know.</p> <p>17 Q Okay.</p> <p>18 A Yeah. I don't know -- I've never seen Tara Shoemaker in</p> <p>19 my life either, so I don't know -- I've never seen -- I</p> <p>20 just know that they're the clerk because she says she is,</p> <p>21 but I don't -- I didn't -- I don't visually know these</p> <p>22 people.</p> <p>23 Q Okay. But to the best of your recollection, there was</p> <p>24 nobody else present other than the people listed here</p> <p>25 under "Appearances"; correct?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q Okay. And that's the reason why you believe it's</p> <p>2 fraudulent; correct?</p> <p>3 A Well, I know it's fraudulent because I've never met</p> <p>4 Danieli and because they created it after I said</p> <p>5 something. They didn't -- it wasn't there before. It</p> <p>6 was added after I said I know -- you know, I know what's</p> <p>7 going on or whatever.</p> <p>8 Q Okay. Please take a look at Page 7 of your complaint.</p> <p>9 And if you're there, it's the -- I guess the third</p> <p>10 paragraph. It's the first sentence. It says, quote,</p> <p>11 "Two forged and falsified documents filed on March 17th,</p> <p>12 2020; a fake hearing was held no minutes exist on the</p> <p>13 document [sic]," unquote.</p> <p>14 Is that what you're referring to right now?</p> <p>15 A Yes.</p> <p>16 Q Okay.</p> <p>17 A Mm-hm.</p> <p>18 Q And you say --</p> <p>19 A It wouldn't be -- it wouldn't -- to them it doesn't</p> <p>20 matter, you know. They say, "Well, we had a hearing,</p> <p>21 and that's good." But I wasn't heard, so we didn't have</p> <p>22 a hearing. So I wasn't heard. I -- my court wasn't</p> <p>23 heard on the record. That makes a huge difference in</p> <p>24 legality and everything.</p> <p>25 So whether we had a fake hearing and it being okay</p>
<p style="text-align: right;">Page 35</p> <p>1 A Ann Danieli was not present. I don't know who that is.</p> <p>2 Q Okay. Aside from Ann Danieli, was anybody else --</p> <p>3 A Yeah, I don't -- I don't -- yeah, everybody else --</p> <p>4 yeah.</p> <p>5 Q Okay. So you're not alleging that anybody else was</p> <p>6 present outside of the people listed on this appearance</p> <p>7 and yourself; correct?</p> <p>8 A Oh, wait. I am right there. That's right.</p> <p>9 No. That's -- that's -- yeah. No. That's it.</p> <p>10 Q Okay. Just to make sure I understand, this is -- the</p> <p>11 people listed under the appearances heading is everybody</p> <p>12 who was present at the hearing; correct?</p> <p>13 A I want to say -- yeah, that's it. Yeah.</p> <p>14 Q Okay. So -- and your -- and help me understand this</p> <p>15 again. Your allegation for why this document is</p> <p>16 fraudulent is because it was -- well, because you're</p> <p>17 saying that the judge is not the judge who was present at</p> <p>18 the hearing?</p> <p>19 A They created this for me to try to make me think that it</p> <p>20 was -- but these are -- they named this document</p> <p>21 "Minutes" and added it to the docket and said, "Hey,</p> <p>22 here's those minutes."</p> <p>23 It's just a document. It's not minutes. But I</p> <p>24 don't know. I was stupid, so probably bought it for a</p> <p>25 split second.</p>	<p style="text-align: right;">Page 37</p> <p>1 with the world, it's not okay with the official document</p> <p>2 because it's not -- it doesn't exist. So whether -- it</p> <p>3 doesn't matter whether we -- the hearing was fake. That</p> <p>4 matters because, I mean, God knows how many other</p> <p>5 hearings were fake. God, I would just double-check all</p> <p>6 the hearings. But it matters as far as, you know -- even</p> <p>7 though a hearing was held, I wasn't heard. My case</p> <p>8 wasn't heard. So they really don't have proof that I</p> <p>9 ever abused my child on the official docket, and that's</p> <p>10 all that matters is the official docket.</p> <p>11 Q So when you say you weren't heard, do you mean you didn't</p> <p>12 have a chance to speak personally, or do you mean your</p> <p>13 attorney didn't have a chance to speak on your behalf?</p> <p>14 A I was silenced. My attorney spoke in her own gibberish.</p> <p>15 She didn't let me speak. She said no, I could not speak.</p> <p>16 No, I was not allowed to speak, according to her.</p> <p>17 Q Okay. So are you blaming the defendants in this lawsuit</p> <p>18 for your attorney's instructions that you should not</p> <p>19 speak at this hearing?</p> <p>20 A Messitt did this. Messitt did this too. She shoosed me</p> <p>21 away. She -- come on. She did it too. They were all in</p> <p>22 on it. It was all rushed. Chop, chop. Come on. Hurry.</p> <p>23 Hurry. And she kept rolling her arms like, you know,</p> <p>24 hurry up. You're taking too long. And then when I</p> <p>25 started to speak, she went like this, like -- and then my</p>

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1 attorney of course -- yeah. No. She's -- Hannah Gold
 2 is -- she's just -- I mean, she's not good at being a
 3 criminal. That's for sure. I mean -- yeah. No. They
 4 all had a part, and they all new exactly what was
 5 happening.
 6 Q Okay. And you are no longer represented by Hannah Gold
 7 in any capacity; correct?
 8 A Thank God. Yeah. No.
 9 Q Okay.
 10 A They won't give me an attorney. Uh-huh.
 11 Q So am I correct that the reason you feel that the
 12 March 17th, 2020, shelter care hearing was fraudulent was
 13 because you personally were not given a chance to explain
 14 yourself, but it was done through your attorney instead,
 15 and that was -- am I correct?
 16 A No. That's part of it, but I would say just because I
 17 wasn't heard on the official docket because I wasn't --
 18 my daughter's reason for being removed was not said.
 19 There's no oath. There's no -- there's nothing stated
 20 that proves why she was removed.
 21 So no matter how hard I try to prove that they're
 22 liars, it doesn't -- I have no evidence to prove it
 23 because nobody ever said anything on the docket. So --
 24 and I see that they're liars, and I have proof that
 25 they're liars, but I can't even prove that they lied

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1 because they never did what they were supposed to do, and
 2 they never put it on the record like they should have.
 3 Because no matter what I say, it's just me saying it.
 4 It's not official because it's not on the docket.
 5 Q And when you say -- so is it -- your allegation is that
 6 DCYF or the Department of Children and Youth and
 7 Families, that they did not put -- strike that. Let me
 8 rephrase the question.
 9 There's no -- is it your allegation that there's no
 10 explanation in any of the court records as to why your
 11 child was removed?
 12 A She was removed for, they say, dirty UA from the 5th of
 13 March, but then there was a clean one on the 13th of
 14 March. So -- and they received word of this clean one
 15 three days prior to removing her. So technically, on the
 16 day that she was taken, I was clean, and so they really
 17 didn't have any good reason. I mean, there was the dirty
 18 and then there was the clean, but they refused to
 19 acknowledge the clean anywhere in the shelter care -- in
 20 the dependency whatever.
 21 It's on Page -- I want to say -- like, 13 of the
 22 discovery, but, yeah, nobody ever mentioned it.
 23 Q Okay.
 24 A And their other reasoning was the baby. Being high
 25 pregnant, that is not in their jurisdiction either at

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1 all.
 2 Q Sorry. Say that one more time.
 3 A She mentioned in her email that me being high pregnant
 4 was a part -- the other reason why they took ACZ and
 5 they -- they have no jurisdiction over the fetus, so -- I
 6 don't think.
 7 Q Okay. All right. Can you please go to Page 10 of the
 8 complaint --
 9 A Yeah.
 10 Q -- Paragraph 11.
 11 A You mean number 11?
 12 Q Right. Page 10, Paragraph 11, or number 11, yeah.
 13 You state here, halfway through the paragraph -- or
 14 the second sentence in that, quote, "There is no proof
 15 the hearing ever happened other than 2 documents filed on
 16 the docket that day," unquote.
 17 What two documents are you referring to?
 18 A The shelter care hearing order and the healthcare
 19 authorization form.
 20 Q Okay.
 21 A They were actually not even filed that day. They were
 22 filed -- I found out -- the next day or possibly even the
 23 day after the next day because there wasn't -- I guess
 24 the next filing wasn't -- it's weird how the docket
 25 works. If -- it was filed, but it could have been filed

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1 anywhere between the 17th and the 19th or something
 2 because -- I don't know when it was filed. It was after
 3 the 17th.
 4 Q Okay. Got it.
 5 A I was just learning how to read those things, by the way.
 6 Q Right. Understood.
 7 Can you go to Page 11 and look at Paragraph 15?
 8 A Yeah.
 9 Q And I -- this might be -- I apologize if I'm asking you
 10 something that is -- I think you make the same allegation
 11 several times in your complaint, but I just want to make
 12 sure it's the same point you're making here. But the
 13 third -- well, I guess it's the second sentence of that
 14 paragraph. It says, quote, "The Plaintiff found the
 15 forgery after getting her court records from the clerk in
 16 her attempt to gather evidence for her allegations
 17 against the social workers for perjury," unquote.
 18 What is -- what forgery are you referring to? Is
 19 this the same --
 20 A The forgery -- oh, you mean -- oh, the forgery is the
 21 shelter care hearing order. I didn't see that Danieli
 22 was written on there until July 13.
 23 Q Okay. The forgery is the shelter care hearing order?
 24 A Mm-hm.
 25 Q Okay. Understood.

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<p style="text-align: right;">Page 42</p> <p>1 Okay. If you go to -- look at Page -- or</p> <p>2 Paragraph 19 on that same page. It says, quote,</p> <p>3 "Plaintiffs counselor and doctor can both testify that</p> <p>4 the Plaintiff was in a severely depressed state mentally</p> <p>5 after this happened," unquote.</p> <p>6 Can you give us the names, please, of your -- of the</p> <p>7 counselor and doctor?</p> <p>8 A Dr. Christ. THS -- her name was -- shoot. She stopped</p> <p>9 working for them. That's why I stopped going because I</p> <p>10 didn't -- she was the only one that I think I trusted for</p> <p>11 that time, but Dr. Christ heard the -- he heard the most</p> <p>12 of it, but not the worst.</p> <p>13 Q Okay. And I guess maybe I could clarify this by saying,</p> <p>14 this was one of the requests for production of documents</p> <p>15 that we sent you. So are you going to be sending us the</p> <p>16 names of your doctors?</p> <p>17 A You guys got 2,000 pages of my medical records. I mean,</p> <p>18 that is what David La Raus subpoenaed, and he got it,</p> <p>19 2,000 pages from the Attorney General -- actually, it's</p> <p>20 in one of those little -- like, you guys just made me log</p> <p>21 in, the Attorney General, to go -- he has one of those</p> <p>22 also with 2,000 pages of medical records of mine from my</p> <p>23 doctor, so he knows a lot more than I do about my medical</p> <p>24 history.</p> <p>25 Q So you're referring to records that you gave to --</p>	<p style="text-align: right;">Page 44</p> <p>1 them to me, anything bad that they say about me.</p> <p>2 Q Okay.</p> <p>3 A I don't know. Maybe.</p> <p>4 Q Okay. So if we go to Page 13, please, of your complaint,</p> <p>5 Paragraph 26. That first sentence, quote, "By not giving</p> <p>6 her a 72-hour hearing that was fair and valid," unquote,</p> <p>7 you're referring to the March 17th, 2020, hearing; right?</p> <p>8 A Yeah.</p> <p>9 Q Okay. I just wanted to get clarity there.</p> <p>10 And then Paragraph 27, same page, you say, quote,</p> <p>11 "The Defendant violated the Plaintiff's fourth amendment</p> <p>12 rights to the U.S. constitution by agreeing and signing</p> <p>13 an order to remove her child without probable cause,</p> <p>14 without oath or affirmation, and without having a shelter</p> <p>15 care hearing that was recorded or transcribed," unquote.</p> <p>16 Who is the defendant you're referring to here?</p> <p>17 A All of the state official defendants.</p> <p>18 Q Okay.</p> <p>19 A Any defendant that I say had the official capacity --</p> <p>20 because obviously foster parents don't -- but that has</p> <p>21 the power to agree, remove, sign, whatever -- if they</p> <p>22 have official power, then they -- yeah, they're the</p> <p>23 guilty party. The state official defendants. I should</p> <p>24 have clarified that.</p> <p>25 (Reporter clarification.)</p>
<p style="text-align: right;">Page 43</p> <p>1 A Yeah. Any -- he got everything. He got the mental</p> <p>2 health, everything. My doctor just gave him everything.</p> <p>3 I was shocked.</p> <p>4 Q Okay. Understood. Thanks for clarifying.</p> <p>5 But we still need you to --</p> <p>6 A Yeah.</p> <p>7 Q -- produce the records for us because this is a separate</p> <p>8 lawsuit, and so --</p> <p>9 A Well --</p> <p>10 Q Are you going to be sending those to us in response to</p> <p>11 the request for production?</p> <p>12 A Well, yeah, but, see, the thing is, when -- when I'm</p> <p>13 trying to fight for my kid, to get her back, it doesn't</p> <p>14 help that I'm slaughtering myself with this, you know,</p> <p>15 because if I do admit, I was mentally -- I was, but I</p> <p>16 don't want that to be -- because they -- I mean, I guess</p> <p>17 I'll -- I don't care. I really don't care what they</p> <p>18 think.</p> <p>19 Q Okay. Well, I just wanted to point that out to you --</p> <p>20 A Yeah.</p> <p>21 Q -- that this was one of the requests that's pending that</p> <p>22 we're waiting for from you, but I'll let --</p> <p>23 A Well, they don't show these things to me, what -- the</p> <p>24 things they say about me, at least I don't think they do.</p> <p>25 I can ask them, but I definitely don't think they'll show</p>	<p style="text-align: right;">Page 45</p> <p>1 THE WITNESS: The state official</p> <p>2 defendants.</p> <p>3 THE REPORTER: Thank you.</p> <p>4 A And I want to say that Pauline, Jennie, and David, even</p> <p>5 though they were not the original felons, the ones who --</p> <p>6 the fact that they continued and agreed and said, hey,</p> <p>7 this is true and correct evidence makes them just as</p> <p>8 guilty possibly, neglect to prevent.</p> <p>9 I mean, they just -- they had the power to say,</p> <p>10 "Hey, something's not right here," and they didn't. They</p> <p>11 said -- they said, "Okay. Yeah, we agree this is true</p> <p>12 and correct," and accepted it as evidence in my trial</p> <p>13 against me.</p> <p>14 And what is it called? At the trial, I don't know</p> <p>15 if they were under oath, but they did accept it as</p> <p>16 evidence. The first piece of evidence was the shelter</p> <p>17 care hearing order.</p> <p>18 Q Okay. And when you say "without oath or affirmation,"</p> <p>19 what do you mean by that?</p> <p>20 A On the 16th of March, there should have been a hearing.</p> <p>21 The signature was not a hash, and that means there's</p> <p>22 usually going to be a hearing or transcription created</p> <p>23 where the social worker says the reason that the child is</p> <p>24 going to be removed. No hearing is on the docket for</p> <p>25 that.</p>

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1 I know that usually when they sign with a hash you
2 can get away with not having that, but I honestly don't
3 even think Judge Messitt was there that day. I think
4 Kelsey just used a page with her signature and winged it,
5 and then she had to come in the next day to do the
6 shelter care hearing because she was obliged to because
7 of Kelsey. That's my --

8 Q Okay.

9 A -- theory.

10 Q So Paragraph 27 is referring to the March 16th hearing
11 or --

12 A Not having the oath or affirmation is, yes.

13 Q And that's the day before the 72-hour hearing on
14 March 17th --

15 A Yeah.

16 Q -- right?

17 Okay. And you're saying that whatever -- "without
18 having a shelter care hearing that was recorded or
19 transcribed" -- are you referring to the March 17th
20 hearing there?

21 A Yes.

22 Q Okay. Okay. So explain to me what you mean by "without
23 recorded" because I thought you said -- you testified --

24 A Going on the record.

25 Q -- earlier that it was recorded.

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1 A It wasn't recorded. They created that audio on their
2 own. That wasn't the hearing.

3 Q Okay.

4 A Yeah. That hearing is, like -- I don't even know who
5 that person is talking. That's not my hearing. That's
6 not -- I mean, that's me talking. They cut me out of
7 some other hearing and added that in. I'm not sure what
8 they did. It's definitely obvious.

9 Q Okay. And your reason -- and your evidence for why it
10 was not a real audio transcript or that it was
11 manipulated is because you claim that you were not at
12 that hearing; correct?

13 A I -- not with Danieli, no. I've never been at a hearing
14 with Danieli, and that's who stated she was at that
15 hearing, so it couldn't have been me.

16 Q Okay. Okay. Are you -- are you alleging that any of
17 this -- your allegations about what happened during the
18 March 16th or March 17th hearings are -- does any of that
19 involve the Whitneys? Are you alleging that the Whitneys
20 had anything to do with that, or is that totally
21 separate? By "the Whitneys," I mean Jeff and Amber
22 Whitney.

23 A Just -- just accepting the adoption assistance, but that
24 happens, yeah, on day one, I think, I'm pretty sure.

25 Q Okay.

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1 A No, that's -- nothing in the hearings, no.

2 Q Okay. So aside from your allegation that they accepted
3 adoption assistance too soon, you're not alleging that
4 they were committing fraud or forgery with respect to
5 these hearings? They're -- that's a --

6 A No.

7 Q They're a separate -- okay.

8 A No. Yeah. No.

9 Q Okay.

10 A It was just -- I didn't ask for any, you know, like,
11 punishment of them. I just wanted to -- I had to -- I
12 don't know.

13 Q Okay. And that's what I was going to ask you next. Are
14 you -- when you say you're not asking for punishment from
15 them, what do you mean by that?

16 A I mean, I didn't -- I just wanted to make a statement
17 that, you know, there's a reason -- there's a
18 mathematical thing going on here where the foster parents
19 are the end result, and they are the -- you know, they
20 are the holders and the caretakers of the children.
21 Without them, there would be no -- you know, nowhere for
22 them to place these children.

23 So I think that they have some responsibility in
24 knowing that, especially when they get these orders, you
25 know, like, hey, you know, you might have a kid that's

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1 stolen, or you might have a kid that was taken
2 unlawfully. And she knew just, you know, by the -- by
3 the restraining order she filed, you could tell she knew
4 that something was not right about them placing ACZ
5 there during the lockdown, and she said something about
6 it right away, that she just had a feeling about it,
7 and --

8 Q Okay. So your allegation against them is that they
9 should have known something was --

10 A Well, just with the receiving the adoption assistance
11 right away.

12 Q Okay.

13 A That part. I mean, that would be --

14 Q Understood.

15 And when you say "the restraining order," are you
16 referring to the restraining order that they filed
17 against you?

18 A Yeah.

19 Q Okay. And what is your understanding as to why they did
20 that, or do you know why?

21 A Because [inaudible] told them to. That's my theory.
22 (Reporter clarification.)

23 A Yeah. Jamal McGhee told them to, the social worker.

24 Q (By Mr. Lenihan) Okay. So are you -- are you seeking
25 any monetary damages or compensation from the Whitneys,

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<p>Page 50</p> <p>1 or are you just --</p> <p>2 A (Witness shakes head.)</p> <p>3 Q No. Is that a no?</p> <p>4 A No, not at all.</p> <p>5 Q Okay. Are you seeking anything else for the -- I mean,</p> <p>6 are you -- well, what is -- what is it you would I ke</p> <p>7 from them then, if not monetary damage? What are you</p> <p>8 asking for, if anything?</p> <p>9 A To probably not accept stolen children again maybe. I</p> <p>10 don't know. Like, don't play along with the -- what the</p> <p>11 social worker says just because -- I don't know. I think</p> <p>12 that they kind of fell victim to the same thing I did, so</p> <p>13 I don't really -- you know, whatever was written -- I</p> <p>14 realize that a lot of stuff was written intentionally to</p> <p>15 make me upset, I guess. It worked.</p> <p>16 So, you know, everything -- everything that happened</p> <p>17 surrounding me and the Whitneys was intentionally brought</p> <p>18 on by Child Protective Services pretty much.</p> <p>19 Q Okay. So -- understood.</p> <p>20 So you're not asking for anything from them from the</p> <p>21 lawsuit, but you're just trying to make them aware by</p> <p>22 suing them of what --</p> <p>23 A Well, because the -- because they -- I don't know if</p> <p>24 they're told to go by Mommy and Daddy, like -- from kids</p> <p>25 they don't know, but -- if that's, like, a rule or</p>	<p>Page 52</p> <p>1 that you were hurt by what they did; is that fair?</p> <p>2 A Common sense. Yeah, common sense.</p> <p>3 Q Okay. Common sense.</p> <p>4 All right. So let me ask you the same question with</p> <p>5 respect to David La Raus. Are you seeking any damages or</p> <p>6 monetary compensation from him?</p> <p>7 A No. What happened was the trial was so shocking that I</p> <p>8 just thought, oh, my God. These people have to lose</p> <p>9 their jobs. And that's why I added them. I would have</p> <p>10 created a whole new one and separated everybody, but it</p> <p>11 was so jaw dropping that I had to -- I had to -- I had</p> <p>12 to -- I don't know.</p> <p>13 Q Okay. So am I -- so you're not seeking damages or</p> <p>14 compensation from him, but you're trying to -- you're</p> <p>15 suing him because you'd I ke him to lose his job; is that</p> <p>16 the --</p> <p>17 A Yeah.</p> <p>18 Q Is that the relief you'd like?</p> <p>19 A Yeah. All the state officials should lose their job.</p> <p>20 Q Okay. And that's your goal? That's the extent of the</p> <p>21 relief? You want him to lose his job for this?</p> <p>22 A (Witness nods head.)</p> <p>23 Q Okay. Understood.</p> <p>24 A Yes.</p> <p>25 MR. LENIHAN: Okay. So we've been</p>
<p>Page 51</p> <p>1 something. Maybe that's their instruction manual;</p> <p>2 they're told to say, "Hey, I'm your Mommy" and "I'm your</p> <p>3 Daddy." I never knew that was in the rule book, so --</p> <p>4 Q Okay.</p> <p>5 A -- maybe that would be --</p> <p>6 Q So is it fair to say that you're just -- you named them</p> <p>7 in this lawsuit to send a message to them that they</p> <p>8 need -- that -- you're not asking for something from them</p> <p>9 in the lawsuit other than you're sending a message to</p> <p>10 them by the lawsuit itself; is that fair?</p> <p>11 A Well, they can't go by Mommy and Daddy. That's not their</p> <p>12 title. And they don't know my daughter, so, I mean,</p> <p>13 Daddy/daughter date, whatever, it's just -- it's</p> <p>14 unnecessary. It's painful and hurtful, and they know</p> <p>15 this, and it's almost like they're playing along with</p> <p>16 this game with these social workers. Because I wouldn't</p> <p>17 tell any child I just had in my home for one week, "You</p> <p>18 can call me Mommy."</p> <p>19 Q Okay.</p> <p>20 A I mean, I don't know.</p> <p>21 Q Understood.</p> <p>22 So I'm going to ask you about David La Raus next,</p> <p>23 but it sounds like you're not seeking monetary damages or</p> <p>24 any other relief from the Whitneys, but you're sending --</p> <p>25 the lawsuit was to send a message to them that it was --</p>	<p>Page 53</p> <p>1 going for a little more than an hour. I don't have much</p> <p>2 more. I really don't have much more to ask you, but I</p> <p>3 want -- I'll take a look at my notes, and maybe we take a</p> <p>4 quick -- is a 10-minute break okay for everybody?</p> <p>5 And then I'll probably just be a few more minutes</p> <p>6 with you, Ms. Zayas, and then Julie Cook will ask you</p> <p>7 some questions.</p> <p>8 THE VIDEOGRAPHER: All right. Very</p> <p>9 well. Going off record. Time now is 10:11 a.m.</p> <p>10 (Recess 10:11 - 10:26 a.m.)</p> <p>11 THE VIDEOGRAPHER: Back on record.</p> <p>12 Time now is 10:26 a.m.</p> <p>13 EXAMINATION (Continuing)</p> <p>14 BY MR. LENIHAN:</p> <p>15 Q Okay. Ms. Zayas, I am almost done. I just wanted to</p> <p>16 kind of summarize and make sure I understood a couple</p> <p>17 things correctly. And the first is -- because -- I'm</p> <p>18 just trying to get clarity because you have a bunch of</p> <p>19 people you sued in this lawsuit, a bunch of defendants,</p> <p>20 and I -- and so am I correct that you're -- the extent of</p> <p>21 your allegations against David La Raus in this lawsuit is</p> <p>22 that he -- that he was trying to cover something up or</p> <p>23 conspire with the judge with respect to the hearings on</p> <p>24 May 18th, 2020, and June 9th, 2020? Is that accurate?</p> <p>25 I think that's what you testified to, but tell me if</p>

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1 I'm wrong.

2 **A Yes. He also had the note from the principal of Pine**

3 **Tree Elementary that said that my daughter didn't have**

4 **any discipline records. He received those -- well, he**

5 **didn't. Whoever the Attorney General at the time of --**

6 **the beginning of time, I guess -- it doesn't matter --**

7 **but basically, they received the discipline records and**

8 **attendance records on the first week that she was**

9 **removed, and he knew -- obviously, he knew that.**

10 I think that they do that as, like, protocol for

11 most removals. They get attendance records right away

12 and discipline records right away, but during the trial,

13 he pretended that he did not know these facts, I guess.

14 Q Okay. So during -- during the dependency trial which

15 happened in October, I believe -- is that right?

16 **A Yes.**

17 Q Okay. So during the October 2020 dependency trial, you

18 said he -- David La Raus knew about disciplinary records

19 with respect to your daughter, **ACZ**, that

20 he -- tell me again. He didn't --

21 **A Well, he pretended he didn't know, and he questioned the**

22 **teacher and acted like he did not -- and did not provide**

23 **it as far as evidence that was documented.**

24 The judge reminded me during the trial that, you

25 know, if you say something, it better come with

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1 documentation. That was one of the rules that they had

2 during the trial, and I was like -- so I thought, because

3 she said attendance, that he would provide that

4 automatically. I wasn't there for so many days out of

5 the trial that I didn't know he didn't provide it or

6 whatever. So he pretended like he did not know what her

7 attendance records were and what her discipline records

8 were, and he did -- he knew but never provided it for the

9 court. Basically, he withheld exculpatory evidence from

10 the court and everything. Yeah.

11 Q So -- okay. So just to clarify, you're saying that he --

12 David -- your allegation is that David knew what your

13 daughter's disciplinary and attendance records were, and

14 he did not provide those to the judge?

15 **A Well, he questioned the teacher and asked her what her**

16 **attendance was like and what her discipline was like, and**

17 **when the teacher lied, nobody jumped in to save the day.**

18 **Nobody provided records of these lies. And he had them.**

19 **He had the records since the 17th of March 2020.**

20 Q Okay. So he questioned the teacher, and when the teacher

21 lied during the trial, he didn't question --

22 **A He didn't provide --**

23 Q -- her about that?

24 **A -- yeah, proof of the lies that she was telling,**

25 **basically.**

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1 Q And the proof of the lies you're saying are the

2 attendance and disciplinary records of your daughter?

3 **A Which there are no discipline records, so that would make**

4 **everything she said a lie pretty much --**

5 Q Okay. So --

6 **A -- by comparing to what the teacher said.**

7 Q So you're saying during the trial the teacher was saying

8 that your daughter had had attendance and disciplinary

9 issues?

10 **A Yeah.**

11 Q And David did not question her about her testimony?

12 **A He pretended like he didn't know, yeah, that her**

13 **attendance was perfectly fine. They knew that from day**

14 **one.**

15 Q Okay. Okay. And so he should have -- your allegation is

16 he should have cross-examined her about why she was

17 saying something like that --

18 **A Well, just like they told me when I said something. They**

19 **said that I had to provide proof. So why didn't, you**

20 **know, she provide proof of this discipline problems, as**

21 **far as, like, documented proof. She could not provide --**

22 **or did not provide.**

23 Q Okay. And during that trial, were you represented by

24 Hannah Gold?

25 **A Heck no. No. I asked for an attorney. No, they**

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1 wouldn't give me one. Because the lady that sent me the

2 forgery was her boss, so I threatened to sue her, and

3 then she said, you know, that because of that -- well,

4 she didn't say because of that, but when I called again

5 for a new attorney, they said they can't help me.

6 And I called the only two departments there are in

7 Washington state, I guess, and they both said they could

8 not help me get another attorney, so I went to trial

9 without an attorney, but I didn't really mind because I

10 thought -- I thought that they would be honest with

11 people.

12 Q Okay. So you represented yourself at the trial?

13 **A Yeah. I tried not to, but of course, like I said, it**

14 **didn't work out that way.**

15 Q And by "trial," I'm referring to the October 2020

16 dependency trial of your daughter **ACZ**;

17 correct?

18 **A Yeah. The reason why I added the last three --**

19 Q Okay.

20 **A -- state officials, yeah.**

21 Q Okay. And so -- so you've clarified now that the alleged

22 misconduct of David La Raus for which you're suing him is

23 because of what you -- the May 18th, 2020, hearing and

24 June 9th, 2020, hearing, where you allege he was

25 conspiring with the judge or --

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1 **A Covering.**

2 Q -- covering -- well, explain again. What was he
3 covering?

4 **A That she was -- saying that she was not the judge, saying**
5 **that Danieli was the judge and I had the wrong person; I**
6 **was accusing her of the wrong thing. Yeah, I had the**
7 **wrong person is what he said.**

8 Q I'm sorry. I'm -- so he said --

9 **A I accused her of -- what did I say? I said, "Do you even**
10 **know why my daughter was taken?" And she didn't know.**
11 **And I just kind of, like, flipped out, and he's like,**
12 **"Wait a minute. You have the wrong" -- and he jumped in**
13 **to speak for her, and she didn't stop him, so --**

14 Q Okay. Okay. Understood.

15 So because of his conduct in the -- because of what
16 he said in the May 18th, 2020, hearing and the June 9th,
17 2020, hearing, as well as what he -- his not
18 cross-examining the teacher about what her lies were
19 during the dependency trial, these are the reasons why
20 you're suing David La Raus; is that right?

21 **A Yeah. It kind of fell apart with -- after the trial**
22 **ended. Judge Ramseyer basing her decision on the**
23 **perjury, that kind of floored me, so yeah.**

24 Q Okay. But I -- did I just accurately recite all the
25 reasons why David is being named as a defendant?

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1 **A Yeah.**

2 Q Okay.

3 **A Yeah.**

4 Q Thank you.

5 And I think -- and then you -- I'm just reciting
6 this again because I think you already clarified this,
7 but you're suing Jeff and Amber Whitney because of their
8 receiving adoption assistance too soon, and just so
9 that -- but you're trying to send a message to them that
10 this is --

11 **A I'm pretty sure they knew that document was -- something**
12 **was not right with it. At what point they're supposed to**
13 **do anything about it, I don't know.**

14 Q Okay. So that's -- but that's the reason for suing them,
15 is because of their receipt of adoption assistance money?

16 **A Yeah.**

17 Q Okay.

18 **A And the Mommy and Daddy thing, too, is kind of a part,**
19 **but that's -- it's not the main reason.**

20 Q Oh, by them -- by **ACZ** calling them Mommy
21 and Daddy?

22 **A Right.**

23 Q Is that what you --

24 **A Yeah. She's only five. Yeah.**

25 Q Okay. So those are the two reasons that --

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1 **A Yeah.**

2 Q Okay. Understood.

3 MR. LENIHAN: I think I am -- I think

4 I am done with questions. What I'm going to do is I'll
5 -- Julie Cook, I imagine, has some questions for you, and
6 then after she's done, I might have another question or
7 two, but I'm pretty much done. So thank you for talking
8 to me. I appreciate it.

9 EXAMINATION

10 BY MS. COOK:

11 Q Okay. Good morning, Ms. Zayas.

12 **A Hi.**

13 Q I don't have a lot of questions for you. I am going to
14 try not to ask the same questions that Mr. Lenihan asked.
15 There may be some follow-up that I have regarding some of
16 his questions, but bear with me. I'm trying not to do
17 this whole thing all over again.

18 The same rules apply to the questions that I ask
19 you, and that is, if I ask you something that you don't
20 understand or that is confusing to you in any way, please
21 just let me know. It's not my intention to confuse you
22 or make these issues more complicated than they already
23 are.

24 And it's completely appropriate to answer with "I
25 don't know," "I don't have that information," and to

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1 offer explanations if you feel those are necessary in
2 order to answer your questions completely.

3 And then finally, as Mr. Lenihan also explained to
4 you earlier, these answers that you provide are under
5 oath and should be from your personal knowledge. If
6 there is something that you feel like needs to be
7 answered with information that you gathered elsewhere,
8 then please just let me know that so that the record
9 reflects that.

10 Does that all make sense to you?

11 **A Yes. Yeah.**

12 Q Okay. And I am going to be looking down. My camera is
13 not the best right now, so I know that looks like I'm
14 kind of looking up at the sky, but I will be looking down
15 for some of this as well because I'm taking some notes,
16 so I just wanted you to know that I'm not trying to not
17 look you in the eye --

18 **A I do it all the time.**

19 Q Okay. Fair enough.

20 I do want to go back to just the beginning of some
21 of Mr. Lenihan's questions and see if you can provide a
22 little bit of clarity.

23 You were asked about public records requests, and
24 you had referred to the records that you reviewed. And
25 if I'm understanding correctly, you reviewed some

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<p>Page 62</p> <p>1 installments that you received from those public records 2 requests; is that correct? 3 A Yes. 4 Q Okay. Can you just clarify who those public records 5 requests were made to and what you're referring to when 6 you're talking about those installments? 7 A Bonnie White from public disclosure and Rebecca Schiffman 8 are the two people that I've been working with the 9 most -- 10 Q Okay. 11 A -- and haven't really been too nice to them either, but 12 they have sent me the most -- the bulk of everything that 13 I've received so far. 14 And I'm still in the process of getting a lot of it 15 unredacted because they have so much of it. It's 16 overwhelming. But there's a lot of it that's blacked out 17 and is relevant to the other case that I really want to 18 get unredacted, but otherwise, every installment is a -- 19 now that I'm actually reading them -- I wasn't reading 20 them at first because I could not -- you know, I just 21 couldn't. But now that I'm starting to, it's kind of eye 22 opening, I guess, finding little bits and pieces that I 23 did not know happened. It's interesting. 24 Q And so those two individuals that you're working with, 25 Bonnie White and Rebecca -- and I'm sorry. I don't</p>	<p>Page 64</p> <p>1 it -- to the clerk's office a long -- was it on the -- it 2 was right before July 13th because that's when I emailed 3 and asked about the signature and then got the answer I 4 did not want, but right before then is when I went in 5 there and paid, I think it was, like, \$35 -- no -- 6 50-some dollars for all the documents, even the ones I 7 filed onto the case, just to -- you know, just to have 8 them, you know -- 9 Q Okay. 10 A -- and investigate -- 11 Q And you received those records just from the King County 12 clerk's office? 13 A Yeah. I just went up there with my ID and paid them 14 cash. 15 Q Okay. Thank you for clarifying that. 16 A Yeah. 17 Q And then just real quick, you had talked a little bit 18 about your education and stated that you had attended 19 Bellevue College. 20 Did you ever take any classes or do you have any 21 education related to the legal field or any legal 22 training? 23 A No. I don't -- as a matter of fact, I was a student for 24 a long time. I -- yeah, I was -- I don't know what I was 25 thinking. For, like, 20 years, I signed these dependency</p>
<p>Page 63</p> <p>1 remember the last name -- 2 A Schiffman. 3 Q -- but are those -- Schiffman? 4 A Yeah. 5 Q Okay. Thank you. 6 Are those two individuals with the Attorney 7 General's Office? 8 A No. They're with the public disclosure, DCYF, like the 9 main -- 10 Q Okay. 11 A Yeah. 12 Q So your public records requests then were made to DCYF? 13 A Yes. Yeah. 14 Q Okay. Have you made any public records requests to King 15 County specifically? 16 A No. I did for Pierce County, but I could not get -- some 17 of the transcripts were, like, \$350, so I just gave up 18 right there. It was from 2009, I believe, they couldn't 19 give them to me, but only the price of the court -- the 20 court stuff is more pricey than -- DCYF is free, so -- 21 Q Okay. 22 A -- yeah, it's a little different. 23 Q And I guess I should have clarified. When I said "King 24 County," I mean King County Superior Court. 25 A I'd gotten the original when I first when in -- what was</p>	<p>Page 65</p> <p>1 orders like a dummy, and I don't know what I was 2 thinking. I had no clue that I was pretty much, you 3 know, hanging myself. I lost my two oldest kids because 4 of signing -- signing them away pretty much, never 5 fighting, never refusing, never -- always cooperating, 6 always doing what they say. That's how I lost my kids. 7 So I just didn't want to do the same thing as before 8 because that didn't get me anywhere, and -- and that's a 9 whole separate case. 10 But there's a thing about this one I wanted to 11 mention also, is the emergency order that was in place at 12 the time that required the removal to be mission 13 critical. And I didn't mention that in the last 14 questioning, but I think it's important because I think 15 that that's part of the reason why the -- it even 16 happened, and that's unfortunate. 17 Like, I felt like that was why I was ignored for a 18 long time, and not just because of the lockdown, but 19 because of the avoidance of the document and the lockdown 20 and, you know, them knowing of, you know, what was about 21 to happen. I had no clue what was about to happen. I 22 just gave birth, so I was in the hospital for a long 23 time, and I didn't know about what was -- this order that 24 was going on. I had no clue. And they -- 25 Q When --</p>

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<p style="text-align: right;">Page 66</p> <p>1 A -- knew.</p> <p>2 Q I'm sorry. Go ahead.</p> <p>3 A On top of the shelter care hearing order, they wrote a</p> <p>4 sentence that said that it would be months before the</p> <p>5 next court date, but they never told me that, you know.</p> <p>6 Q Okay. And just to be clear, when you're talking about</p> <p>7 the emergency order, are you talking about orders related</p> <p>8 to the COVID-19 pandemic or something else?</p> <p>9 A The emergency order -- I believe it was number 6. Yeah.</p> <p>10 It started on the 16th of March at noon, and it -- it</p> <p>11 required that they request permission prior to having any</p> <p>12 hearings because -- especially with child removals</p> <p>13 because they wanted -- they had to get permission from</p> <p>14 Judge Helson, and unless -- like, to prove that it was</p> <p>15 critical or whatever. So that was, like, something that</p> <p>16 was important then, I guess.</p> <p>17 Q Okay. And is there something that you are alleging was</p> <p>18 wrong --</p> <p>19 A Yeah.</p> <p>20 Q -- or insufficient about that emergency order?</p> <p>21 A Well -- well, all removals better be mission critical.</p> <p>22 That's for sure. I don't think removing a child should</p> <p>23 not be mission critical. It should be always mission</p> <p>24 critical. And the fact that they're removing kids for</p> <p>25 anything else is barbaric, but I think that -- well, I</p>	<p style="text-align: right;">Page 68</p> <p>1 proper judicial determination required during a mandated</p> <p>2 emergency order #6, when such actions were deemed</p> <p>3 prohibited by the court above, yet she still distributed</p> <p>4 all funding for a period of going on 7 months today."</p> <p>5 Is that sentence a part of what you just described</p> <p>6 on the record when you were talking about the emergency</p> <p>7 order?</p> <p>8 A Yes. The fact that, you know, she was removed without a</p> <p>9 mission critical reason is a violation of that emergency</p> <p>10 order, and also the fact that, you know, the person who</p> <p>11 I've never met before signed it is also part of the, you</p> <p>12 know -- making it basically an invalid order during a</p> <p>13 time when -- I mean, I think it was a little bit more</p> <p>14 important to have these orders correct because the reason</p> <p>15 why they were created, the emergency order, is because</p> <p>16 the Supreme Court knew that it would be months before I'd</p> <p>17 see my daughter again. They knew this.</p> <p>18 And I believe -- I know that Judge Messitt knew</p> <p>19 this, and I just can't -- I -- for the life of me, I</p> <p>20 cannot understand why somebody would intentionally just</p> <p>21 let it happen and then, like, forced it, like -- yeah, it</p> <p>22 had to be intentional. There's no other -- there's no</p> <p>23 other explanation because everybody knew but me what was</p> <p>24 going to happen.</p> <p>25 I know for sure everybody knew but me because if I</p>
<p style="text-align: right;">Page 67</p> <p>1 didn't realize that either until later, but basically my</p> <p>2 entire email string to them was, "You guys weren't</p> <p>3 supposed to do this. It was emergency orders section,</p> <p>4 and you knew it, and you played me."</p> <p>5 And it was like -- because four months I had no</p> <p>6 visits in person, and she's five. She's never been with</p> <p>7 anybody but me her whole life. She doesn't know anybody</p> <p>8 but me. We slept in the same bed for her entire life. I</p> <p>9 mean, there's no -- she never even went to sleep in her</p> <p>10 own room. And the way they just, like -- no visits for</p> <p>11 four months, and I couldn't see her for two months, no</p> <p>12 contact at all. So, I mean, I just -- I think it was</p> <p>13 intentional. I know it was intentional.</p> <p>14 Q I'm going to have you -- do you still have the exhibits</p> <p>15 up?</p> <p>16 A Yeah, I do. Uh-huh.</p> <p>17 Q Okay. So if you can refer back to Exhibit No. 1, which</p> <p>18 is your 12th amended complaint, and I'm going to have you</p> <p>19 go to Page 3, Paragraph 3, which begins with "Defendants</p> <p>20 the 'Whitneys' Jeffrey and Amber Whitney" --</p> <p>21 A Yeah.</p> <p>22 Q Do you see that paragraph?</p> <p>23 Okay. So I want you to move down to about the third</p> <p>24 sentence, and it reads, "The adoption assistance was</p> <p>25 received illegally on the part of Judge Messitt lacking</p>	<p style="text-align: right;">Page 69</p> <p>1 would have known, I wouldn't have been just, "Yeah.</p> <p>2 Okay. Hi," you know. I would have been irate if I had</p> <p>3 known I wasn't going to see her for months. I had no</p> <p>4 clue. And they knew. They all knew. I had no clue.</p> <p>5 Q And -- okay. And I don't want to belabor these issues</p> <p>6 because I know you've provided several answers already</p> <p>7 during Mr. Lenihan's questioning.</p> <p>8 I do have one point of clarification, and it still</p> <p>9 relates to Exhibit No. 1, Paragraph 3 that we're</p> <p>10 discussing, and the sentence that reads, "The adoption</p> <p>11 assistance was received illegally on the part of Judge</p> <p>12 Messitt lacking the proper judicial determination" -- can</p> <p>13 you explain what facts you are relying on in making this</p> <p>14 statement, and specifically, how did Judge Messitt obtain</p> <p>15 adoption assistance illegally?</p> <p>16 A No oath or affirmation was given on the 16th. There's</p> <p>17 no -- every top page of every, you know, little order in</p> <p>18 the removal order -- not the shelter care hearing order,</p> <p>19 but the other one before that, every top page has to be</p> <p>20 stamped by the clerk, notary of the court. It was not</p> <p>21 stamped by the clerk. It was not -- meaning it could</p> <p>22 have not been filed. I would never know. Nobody would</p> <p>23 know by looking at it that it was filed to the court</p> <p>24 because it does not contain the stamps of the court,</p> <p>25 meaning that it may not have been filed.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Of course, I seen it was filed on the docket, but it 2 was also filed without the stamp, which is weird and not 3 even legal, I don't think. I mean, it's not -- it's 4 against the rules, I'm sure, of King County to, you know, 5 file something and not stamp it, I think. I'm pretty 6 sure. 7 But also, it was missing the approval signature of 8 the Attorney General, and the CPS supervisor's signature 9 was missing as well. So that was part of the not legal 10 lawyer, I guess. 11 Q Okay. And you're referring to the March 16th, 2020, 12 order that was signed by Judge Messitt? 13 A Yeah. Yeah, that's what it says, yeah. 14 Q Okay. Let's -- I have a few more questions related to 15 Exhibit No. 1 as well. And I want to move to Page No. 4, 16 and you were asked about this paragraph already. It's at 17 the bottom of Page No. 4, and it starts with "Number 4-6 18 conspired with Judge Messitt and continued to cover the 19 forgery" -- can you explain -- number 4 through 6, I 20 should say -- number 4 in the preceding paragraph is 21 identified as Defendant Pauline Duke, and number 6 is 22 identified as Defendant Debbie Cowan. 23 And first of all, before I ask that question, are 24 you referring to Debbie Cowan as CASA Attorney Jennie 25 Cowan or --</p>	<p style="text-align: right;">Page 72</p> <p>1 kid. And I'm like, "Dude, you can't do that. That's 2 against the law, like, the constitution." 3 And I didn't read all of this, of course, until 4 after, you know, she was taken and I had all this time on 5 my hands. During the four months I wasn't able to visit 6 her, you know, I started reading the constitution, which 7 is a dreadful thing, if you've ever read it, but you 8 can't take kids for that, you know. 9 And how adamant they were about, you know, like, 10 keeping my kid. Like, what? Like, it didn't make sense 11 to me. Dude, first of all, it's risk only pickup. My 12 pee was clean on the day you picked her up, and you can't 13 take kids for that anyway. It wouldn't even matter if I 14 was high on crack, heroin every day of my life. That 15 does not matter. It wouldn't matter if I was a member of 16 the mafia. It wouldn't matter if I was a serial killer. 17 If I did not abuse my kid, you can't take my kid. You 18 can assume that the future might bring, you know, child 19 abuse, but that's not proof of child abuse. That's just 20 an assumption. And future predicting is not under RCW 21 that I could find, you know, and their future risk of 22 harm -- any kid could be picked up based on their future 23 risk of harm. That's just unconstitutional all the way 24 around. 25 They can't -- they're using the most</p>
<p style="text-align: right;">Page 71</p> <p>1 A Yeah. 2 Q Okay. I just wanted to -- 3 A I had her name wrong forever. 4 Q -- clarify. 5 Okay. That's fine. I just wanted to make sure that 6 was the same person. 7 A Yeah. 8 Q Can you explain or elaborate on how you are alleging 9 Pauline Duke and Jennie Cowan conspired with Judge 10 Messitt to continue the forgery? 11 A Because the reason for removal, period, like drug use by 12 parent, is not probable cause for removing anybody's 13 child, and I think that they have the law backwards. 14 They don't know the law. 15 I remember a time -- and I guess I'm old, but I 16 remember a time when they didn't used to take kids for -- 17 when parents got high. They would just be like, okay, 18 ding, you get to do more stuff now. I mean, I don't know 19 what happened. Like, they turned into probation officers 20 of the public, and not just anybody, but the public. 21 They are, you know, probation officers. They come and 22 they say, "Hey, give me your pee." If you don't give it 23 to them, they take your kid. And that's just -- that's 24 what they did to me. 25 And, like, I gave it to them, and they still took my</p>	<p style="text-align: right;">Page 73</p> <p>1 unconstitutional RCW known. And it's changed too. They 2 just changed it the other day, I think. Yeah, they just 3 changed it the other day. It's like -- probably this 4 month they changed it, but it doesn't go into effect 5 until 2023. They've just now added probable cause. 6 Before it was reasonable cause to believe. So they could 7 just go around, say, "Oh, well, we think you're going to 8 abuse your kid, so we're going to take your kid." 9 Now, come 2023, they have to have probable cause, 10 which under the constitution already -- already -- they 11 already said that. So it's like they -- this RCW wasn't 12 unconstitutional from day one. They know you -- you 13 know, you can't predict the future. Nobody can predict 14 the future. That's not -- all the RCW language in 26.44 15 is past tense. There is no future predicting. 16 So they knew when they said it and when they did it 17 what they were doing was unconstitutional, unlawful, and 18 because they were using RCW that was unconstitutional, 19 knowing that it's, like, just beyond comprehensible that 20 they're even able to get away with this and bragging 21 about it too -- it's just -- why? Why go through all of 22 that? 23 Well, I think it was to cover for -- I can't think 24 of any other reason but to cover for Messitt because I 25 know I am not that big of a deal. And if I'm that big of</p>

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<p style="text-align: right;">Page 74</p> <p>1 a deal, then I shouldn't have any of my kids. I don't</p> <p>2 think that what I did was that serious, but they make it</p> <p>3 into such a huge deal because they have to get me to</p> <p>4 cooperate to make it look like what she did was, you</p> <p>5 know -- she forged it, so make it look like I needed her</p> <p>6 or something, so their, you know, attempt to try to force</p> <p>7 me into their system has failed repeatedly.</p> <p>8 Q Can I ask you just a couple of more specific --</p> <p>9 A Yeah.</p> <p>10 Q -- clarifying questions?</p> <p>11 So I think it's already been established that the</p> <p>12 forgery -- or you are contending that the forgery is</p> <p>13 Exhibit 3, the shelter care order; is that correct?</p> <p>14 A Shelter care hearing order and the healthcare auth- --</p> <p>15 Q Yes. The March 17th order.</p> <p>16 Okay. And so are you -- I guess I'm specifically</p> <p>17 wondering when you are contending that Pauline Duke, as</p> <p>18 you say in this paragraph on Exhibit 1 -- I think you</p> <p>19 specifically say that -- "Numbers 4 through 6 conspired</p> <p>20 with Judge Messitt to continue to cover the forgery" --</p> <p>21 is this something that they did at the time the</p> <p>22 March 17th order was filed, or are you saying this</p> <p>23 happened at some point later?</p> <p>24 A By -- well, I believe by confirming and agreeing that the</p> <p>25 shelter care hearing order was true and correct outright</p>	<p style="text-align: right;">Page 76</p> <p>1 A Well, they -- when, you know, Judge Ramseyer says, hey,</p> <p>2 do you approve this document as evidence towards -- like</p> <p>3 against me, and they said, okay, sure, yeah, we approve</p> <p>4 it, they're saying that that document is true and correct</p> <p>5 to the best of their knowledge. That's what they're</p> <p>6 saying. So when they say that, I mean, to me and to the</p> <p>7 laws of forgery, it means they committed forgery, I</p> <p>8 think.</p> <p>9 Q Okay.</p> <p>10 A By knowing its existence and then not, like, halting</p> <p>11 it -- I mean, I guess -- I don't know.</p> <p>12 Q Okay. Thank you for clarifying that.</p> <p>13 So do you -- another matter that I just wanted to</p> <p>14 get clarity on. What hearings are you saying Judge</p> <p>15 Messitt presided over?</p> <p>16 And I don't have all of the exhibits, but if you</p> <p>17 want to name them by name --</p> <p>18 A The --</p> <p>19 Q -- if you can -- go ahead.</p> <p>20 A The shelter care hearing, I think.</p> <p>21 Q Okay.</p> <p>22 A But --</p> <p>23 Q Is that -- go ahead.</p> <p>24 A That was -- let's see here. She said she didn't, but</p> <p>25 it's weird because she said that -- in the email, she</p>
<p style="text-align: right;">Page 75</p> <p>1 would be considered forgery basically because --</p> <p>2 Q Okay.</p> <p>3 A -- you're just saying it's true and correct.</p> <p>4 I wouldn't have -- I would have -- if I were</p> <p>5 Ramseyer, I would have struck it a long time ago. And</p> <p>6 what can I say if someone strikes it? I can't say, oh,</p> <p>7 yeah, it has to be forgery. I mean, I can accuse them of</p> <p>8 it, but if they would have struck it months ago, then</p> <p>9 nobody would have had to have had to approve it. And</p> <p>10 when they approve it, it's just -- it makes it worse for</p> <p>11 everybody because it just makes them criminals. Like,</p> <p>12 it's just join the criminal roundabout.</p> <p>13 And, I mean, they know Danieli doesn't work for King</p> <p>14 County. I mean, they -- they go to work every day for</p> <p>15 this county. They go to this courthouse every day. I'm</p> <p>16 pretty sure they are aware which judges work and don't</p> <p>17 work for King County.</p> <p>18 Q Okay. So if I can maybe summarize, and please let me</p> <p>19 know if I don't have this correct. Your -- you are</p> <p>20 saying that both Pauline Duke and Jennie Cowan continued</p> <p>21 to cover the forgery because they were assuming that this</p> <p>22 March 17th order was correct and accurate, and they</p> <p>23 continued to base their actions on it? Is that --</p> <p>24 A Well --</p> <p>25 Q -- an inartful way of saying it?</p>	<p style="text-align: right;">Page 77</p> <p>1 said, you know, no ex parte communication, but I'm like,</p> <p>2 wait a minute, like -- I wasn't emailing her. I was</p> <p>3 emailing Danieli. So how is that ex parte communication?</p> <p>4 I don't know. But I guess to her I was emailing the</p> <p>5 judge, but she was the judge, but -- I don't know. I</p> <p>6 guess it was really confusing because they tried to make</p> <p>7 me look crazy, and -- and they tried to act like it</p> <p>8 worked too, and that was the real confusing part because</p> <p>9 I was like, whoa, it really did just work.</p> <p>10 And Ramseyer is covering for her too, which is</p> <p>11 really sad, because I think they think that when they</p> <p>12 keep repeating, you know, hey, this -- it's true. It</p> <p>13 really did happen, that I'm just going to believe it one</p> <p>14 day, I guess. I don't know.</p> <p>15 Q So are you saying that it was Judge Messitt who presided</p> <p>16 over the shelter care hearing and not Ann Danieli?</p> <p>17 A I've never met Ann Danieli, so it couldn't have been</p> <p>18 Danieli. Whatever hearing Danieli heard or whatever they</p> <p>19 say she heard, I wasn't at that hearing.</p> <p>20 Q Okay.</p> <p>21 A Yeah.</p> <p>22 Q So who are you saying presided over the shelter care</p> <p>23 hearing?</p> <p>24 A Judge Messitt did.</p> <p>25 Q Okay.</p>

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<p style="text-align: right;">Page 78</p> <p>1 A Yeah.</p> <p>2 Q And then who are you saying presided over the</p> <p>3 March 16th --</p> <p>4 A Nobody.</p> <p>5 Q There was nobody who presided over that hearing?</p> <p>6 A No. Because there was no -- I don't -- I wasn't at that</p> <p>7 hearing. There was -- I didn't see any hearing on the</p> <p>8 docket. But the thing is, what happened after that is</p> <p>9 because -- it wasn't just because she faked the hearing.</p> <p>10 It was because she avoided me for four months after that.</p> <p>11 And I mean deliberately told my lawyer not to let me have</p> <p>12 a hearing.</p> <p>13 And I got the emails from her -- I paid \$20 each</p> <p>14 time to try to get these hearings to get in person visits</p> <p>15 with my daughter, and every time I paid this \$20, they</p> <p>16 would deny my hearing. And I'm like -- and I got all</p> <p>17 the emails finally where Linda Nguyen is saying, "Look,</p> <p>18 Myriam, just file this, and just don't -- we're not going</p> <p>19 to have a hearing, but it says that we're having a</p> <p>20 hearing, but we're really not having a hearing."</p> <p>21 So they were avoiding me like the plague, and I got,</p> <p>22 you know, text messages where my lawyer is telling me I</p> <p>23 can't go to the hearing on the 18th. She said I can't</p> <p>24 go. I was like, "Why can't I go?"</p> <p>25 And I have all the text messages. She's like,</p>	<p style="text-align: right;">Page 80</p> <p>1 Q Okay. And was Pauline Duke in attendance, to your</p> <p>2 knowledge, at that March 17th hearing?</p> <p>3 A No.</p> <p>4 Q Okay. And was Jennie Cowan, to your understanding,</p> <p>5 present at that March 17 hearing?</p> <p>6 A Neither was David La Raus, but they sure were</p> <p>7 cheerleaders of the hearing and, you know, affirmed this</p> <p>8 hearing as far as evidence during trial, you know,</p> <p>9 claimed my insanity from saying it didn't exist and all</p> <p>10 kinds of crazy stuff. So yeah.</p> <p>11 Q Okay. And then going back to Exhibit No. 3, which is the</p> <p>12 order from the March 17th hearing, you're saying that the</p> <p>13 signature, where it's dated March 17th -- and this should</p> <p>14 be on Page No. 10 of the order. And where it says</p> <p>15 "Commissioner Ann Danieli," that those were forged or</p> <p>16 added after the hearing?</p> <p>17 A That's not -- that's not who was there. And it was</p> <p>18 probably just to avoid the accountability part of the</p> <p>19 mission critical not being part of my case.</p> <p>20 Q Okay. Bear with me. I'm just going through the notes,</p> <p>21 and I want to make sure I don't ask the same questions</p> <p>22 that you were already asked, so it's going to take me</p> <p>23 just one moment here.</p> <p>24 And just to clarify as well, are you saying you were</p> <p>25 present at the March 17th hearing but that you were not</p>
<p style="text-align: right;">Page 79</p> <p>1 "Well, because it's not one of those hearings where</p> <p>2 you're supposed to be," or some weird excuse she said.</p> <p>3 I said, "Really?" I said, "That's funny. I haven't</p> <p>4 had a hearing in months."</p> <p>5 And it was like they were still trying to avoid me,</p> <p>6 and it was because of that damn forgery. And it was</p> <p>7 like -- I didn't know then why they were doing it, but it</p> <p>8 drove me nuts. Like -- and that is the real -- it's not</p> <p>9 necessarily her action of forgery, but it was her</p> <p>10 avoidance of me to try to hide that forgery that made it</p> <p>11 50 million times worse. And then everyone else piling</p> <p>12 on, doing the same thing, trying to cover and create this</p> <p>13 false, you know -- and I'm just like, dude, I wouldn't</p> <p>14 have cared if they would have just let me see my daughter</p> <p>15 in person. And we were allowed to ask for that, and she</p> <p>16 ignored me, and that -- that is the number one reason</p> <p>17 that I think -- that I think she should pay.</p> <p>18 Q Okay. So if I can again try to summarize what you stated</p> <p>19 regarding these hearings.</p> <p>20 Your testimony is that there wasn't a hearing on</p> <p>21 March 16th; is that correct?</p> <p>22 A There wasn't one that I've seen, no.</p> <p>23 Q Okay. And then the March 17 shelter care hearing was</p> <p>24 presided over by Judge Messitt; is that correct?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 81</p> <p>1 able to speak or say anything?</p> <p>2 A Yes. I was not.</p> <p>3 Q Are those statements correct?</p> <p>4 A Yes.</p> <p>5 Q Okay. So there was a hearing, but you weren't able to</p> <p>6 speak at it?</p> <p>7 A Yes. No, I wasn't. I think that they -- that the audio</p> <p>8 that they created was from another hearing or something</p> <p>9 because I -- yeah, I never -- I don't think I was</p> <p>10 laughing that day at all. And in that hearing that they</p> <p>11 created, I was laughing and giggling, and I don't -- I</p> <p>12 don't recall ever laughing even a little bit during that</p> <p>13 hearing. I was -- I was confused as to why I couldn't</p> <p>14 say anything. I was more upset that I couldn't say</p> <p>15 anything, and I wanted to say more than what -- I didn't</p> <p>16 say anything.</p> <p>17 Q Okay.</p> <p>18 A So yeah.</p> <p>19 Q And I have a couple of similar questions to what you were</p> <p>20 asked about before, but my questions are going to</p> <p>21 specifically relate to the individuals that I represent.</p> <p>22 So if I'm understanding your testimony correctly,</p> <p>23 your allegations regarding the GAL, Pauline Duke,</p> <p>24 specifically relate to her covering up or continuing to</p> <p>25 act based on this March 17th order which you're saying</p>

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<p>Page 82</p> <p>1 was forged; is that correct?</p> <p>2 A I can't think of any other reason why someone would lie,</p> <p>3 I guess, that much for somebody other than they probably</p> <p>4 know each other -- maybe they know Judge Messitt. Maybe</p> <p>5 they're friends with her. Maybe they worked -- I'm</p> <p>6 pretty positive they do work together because Jennie</p> <p>7 Cowan has several cases under appeal right now that</p> <p>8 actually were around the same time my case was, so they</p> <p>9 should also be forged.</p> <p>10 Q Okay.</p> <p>11 A About the same day the KW dependency appeal was -- around</p> <p>12 the 23rd of March. So that one should also be forged,</p> <p>13 and Jennie Cowan is actually on that case too, so --</p> <p>14 Q Okay. Just going back to Pauline Duke, is there anything</p> <p>15 else that you are alleging Pauline Duke did as part of</p> <p>16 your lawsuit?</p> <p>17 A Well, she lied during the trial and said that she saw my</p> <p>18 daughter -- or met with my daughter, and she actually</p> <p>19 never met with my daughter. She said she met her in</p> <p>20 September 2020.</p> <p>21 Q Is that -- is that in -- I don't have your other --</p> <p>22 A I --</p> <p>23 Q -- complaints --</p> <p>24 A It was something that she stated during, I guess, her</p> <p>25 testimony that I didn't listen to until after the trial,</p>	<p>Page 84</p> <p>1 questions to ask.</p> <p>2 Q And -- okay. And what's your understanding of the</p> <p>3 relationship?</p> <p>4 And when I say "relationship," I mean professional</p> <p>5 relationship between Jennie Cowan and Pauline Duke.</p> <p>6 A That's her attorney, I think.</p> <p>7 Q Okay. And then I'm going to ask the same question that I</p> <p>8 had previously asked you about Pauline Duke as it relates</p> <p>9 to now Jennie Cowan.</p> <p>10 Essentially, is the primary complaint against Jennie</p> <p>11 Cowan in that she acted based on the March 17th order</p> <p>12 which you are alleging was forged? Is that correct?</p> <p>13 A I just can't think of any other reason why because I</p> <p>14 completed everything they asked me to. And other than</p> <p>15 the dirty UAs that don't -- you know, dirty pee</p> <p>16 doesn't -- doesn't make someone into a child abuser.</p> <p>17 Apparently it does when there's forgery involved. That's</p> <p>18 my theory.</p> <p>19 I don't know what -- why they would hate me so much</p> <p>20 and hate my daughter so much that they want to keep us</p> <p>21 apart for no reason because it's really no reason. Right</p> <p>22 now, at this point, I think it's just because of the</p> <p>23 forgery because there's no other reason for them to have</p> <p>24 her. Like, I haven't signed anything, you know, and they</p> <p>25 still, you know -- I don't know.</p>
<p>Page 83</p> <p>1 so I didn't really put it in that, but the trial itself</p> <p>2 was a big bundle of, like, lies.</p> <p>3 Q Was there anything else though that Pauline Duke</p> <p>4 specifically did that you've outlined in --</p> <p>5 A I probably didn't outline -- that's the thing. I</p> <p>6 probably didn't outline it in the earlier complaints. I</p> <p>7 just knew that -- I think the shocking -- the perjury was</p> <p>8 what did it most, and my assumption that she did speak to</p> <p>9 the teacher first and so did Jennie because they had a</p> <p>10 meeting with her prior to the trial. I want to say prior</p> <p>11 to the trial, but I think it might have actually been</p> <p>12 during the trial.</p> <p>13 And I sent over all the audio, but I think that they</p> <p>14 had this meeting because I remember Jennie saying, "Can I</p> <p>15 talk to Pauline privately real quick before the</p> <p>16 testimony?" And they let them go off to the -- you know,</p> <p>17 a second room or whatever in the Zoom land or whatever,</p> <p>18 and I think that that -- that that was either where they</p> <p>19 agreed to what questions they were going to ask and --</p> <p>20 well, what questions she should ask.</p> <p>21 And Pauline was the one who spoke with the teacher,</p> <p>22 and Jennie -- I don't think Jennie was. I think Jennie</p> <p>23 was just the person who questioned the teacher, but she</p> <p>24 told -- I believe at that time is when she told -- it's</p> <p>25 my theory that that's when she told Jennie exactly what</p>	<p>Page 85</p> <p>1 Q So -- and again, is there anything else you recall in</p> <p>2 your prior complaint that Jennie Cowan did that you are</p> <p>3 suing her for other than this forgery related to the</p> <p>4 shelter care order?</p> <p>5 A You see, that's -- no. Just the following up of the --</p> <p>6 you know, the continuance of knowing that -- you know,</p> <p>7 that -- it's just so obvious. Like, they could at</p> <p>8 least -- I don't know. Like I said, they could have</p> <p>9 struck it a long time ago. But the requirement under</p> <p>10 Section 1983, to get off on something like that, you have</p> <p>11 to make remedial efforts to fix it, and they never ever</p> <p>12 did.</p> <p>13 And I guess by the time they -- you know, I started</p> <p>14 suing everybody, they probably thought, oh, well, it's</p> <p>15 too late now. Might as well go with denying it. And</p> <p>16 that's even worse. They could have just -- and if they</p> <p>17 said, "Hey, look, you know, Myriam, I'm sorry. You know,</p> <p>18 this is what happened. Can we redo the hearing?" I</p> <p>19 wouldn't be able to charge them with anything because</p> <p>20 they made -- even though they did a huge harm, they made</p> <p>21 a remedial effort to fix it.</p> <p>22 But in my case, they never -- I guess they really</p> <p>23 think they're bulletproof. I don't know.</p> <p>24 Q Okay. So are you alleging -- or is it your -- let me --</p> <p>25 I'm being very inartful right now.</p>

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<p style="text-align: right;">Page 86</p> <p>1 Is it your testimony that Ann Danieli did not appear 2 at any point or preside over any hearing related to this 3 lawsuit? 4 A I believe if she did she would have replied and said -- I 5 don't know -- something halfway decent instead of not 6 replying and forwarding it to Messitt. I know if it were 7 me, I had someone accuse me of something like that and I 8 really didn't do it, I would say, "I was there. What are 9 you talking about?" or something. 10 I don't know. I don't think not replying it and 11 forwarding it to the culprit is the -- is something I 12 would do. That's not something I would do. 13 Q And when you're talking about not replying, you're saying 14 that you -- 15 A I -- 16 Q -- emailed Ann Danieli, and that she forwarded your email 17 to Judge Messitt, and then Judge Messitt responded to you 18 saying no ex parte communication? 19 A As if I -- 20 Q Do I have that correct? 21 A Yeah. But, see, Messitt, I think her initial goal was to 22 confuse me, like I was going to think she was Danieli for 23 a second. But I'm like, wait, you guys have two 24 different names. Like, don't do that. Don't confuse me 25 because I'm already old. But I just thought, wow, that</p>	<p style="text-align: right;">Page 88</p> <p>1 you the same questions related to mine. 2 So are you seeking any damagement -- damages rather 3 or monetary -- 4 A Yeah. 5 Q -- claims against Pauline Duke? 6 A Oh, wait. 7 Q Let's just talk about Pauline Duke. 8 A No. Pauline Duke -- no. Yeah. No. I think she should 9 just be fired. 10 Q Okay. 11 A Yeah. 12 Q And the same question related to -- 13 A Jennie. 14 Q -- Jennie Cowan. 15 A Fired. I can't believe she's in the Supreme Court just 16 chitchatting like she never did anything. I watch her 17 sometimes. I'm like, how do these people get up there? 18 They don't deserve their position. 19 Now, that is child abuse, when you remove a child 20 that is not abused and you keep her away for going on 21 almost 500 days. I mean, that's child abuse to me. 22 Q Okay. And what damages, if any, monetary or otherwise, 23 are you seeking against Judge Messitt? 24 A I asked for her pay until my daughter's 18th birthday, 25 but I also asked for, yeah, like -- you know, judges</p>
<p style="text-align: right;">Page 87</p> <p>1 was bad. Like, okay, so now they just proved they're 2 friends. That's great. 3 But to them, to like a normal person who's never 4 been raped by the system, like, they probably believe 5 that. They'd be like, oh, okay. Yeah. But, see, I'm 6 just not normal. I just lost all my kids in my -- 7 repeatedly in bad ways, like way worse than this. This 8 is like -- honestly, I've never had oath or affirmation 9 for any of my kids. And I have seven kids -- wait. Six 10 kids. I have six kids. Two -- my oldest are 21 and 18. 11 No -- no oath or affirmation ever. Probably forgery. 12 Probably. I don't know. 13 I mean, I don't -- I can't dig up those because 14 they're so far away, but I can just say that the reason 15 why I seen it is only because of my priors and not 16 believing anything anybody says anymore, you know. 17 Q Okay. So -- and again, I just want to make sure I am 18 understanding correctly. So it's your testimony -- and I 19 think as outlined in Exh bit 1 -- that Ann Danieli, 20 according to you, did not preside over any of your court 21 hearings; is that correct? 22 A Yeah. I have never met her. Hm-mm. 23 Q Okay. And then I know you were asked about what you were 24 seeking related to damages, monetary or otherwise, 25 related to Mr. Lenihan's clients, and I'm going to ask</p>	<p style="text-align: right;">Page 89</p> <p>1 aren't supposed to pay anything, you know. They say 2 that. Whatever. But judges don't commit felonies 3 either. So it's like -- to me, there's a fine line 4 between, you know, like -- it's just not common practice, 5 you know, and the evil intentional forcing me away is -- 6 I get it. Okay. You made a mistake. Big deal. I get 7 it. Okay. So what? I wouldn't have cared. But don't 8 avoid me for four months, and then have all your homies 9 avoid me, lie, cheat, steal and everything to keep my 10 daughter from me. That's like -- that's what did it. 11 Her original crime wasn't so bad if she would have 12 just turned around right there and said, "Hey, I fucked 13 up." 14 But, you know, she rode it out, and that was 15 torture. To me, that was torture. That was unnecessary 16 torture. That made me learn the law, and I didn't 17 need -- didn't want to learn the law. I didn't want to 18 sue anybody. I don't want -- I hate being a lawyer. 19 Being a lawyer is depressing for me, and I cannot 20 stand -- I mean, I like reading about the law, but not 21 when every single thing reminds me of how they've ripped 22 me a new asshole. I don't like reading about it. 23 And so when I don't have a lawyer, I have to read 24 about it. And so I don't, like, want to learn this 25 stuff. This wasn't my plan. I didn't ask for the</p>

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1 **forgery to be committed against me. I didn't ask for**
 2 **them to, you know, have the teacher lie after that and**
 3 **all of that. And it's just all for what? For what?**
 4 **Like -- I don't know.**
 5 **Like, the initial crime wasn't as bad as -- it kind**
 6 **of includes everything, and she gets to go to work every**
 7 **day, and I still don't have my kid.**
 8 Q Okay.
 9 A And it's been, like, this long, and it's, like, insane.
 10 This is the second judge. Beverly Grant -- I don't know
 11 if you know her or not. Beverly Grant, she is an old
 12 judge. She's -- oh, my God. She's the devil. But she
 13 created court orders that specifically mandated my
 14 children be with black families and not white families,
 15 and so -- and it was written in the court order. And I
 16 complained about her so many times to Rico Culner
 17 [phonetic], commissioner of judicial conduct. He's
 18 worthless. But I complained to him for years about this
 19 woman. Nobody did anything.
 20 And I said, "They're racist. They're racist.
 21 They're racist," every month. Nobody cared.
 22 So this is the second judge that has not listened to
 23 me, that has ignored me deliberately and committed
 24 huge -- I mean, Beverly Grant was just racist, but --
 25 Q And, Ms. Zayas, can we --

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1 A **That's it.**
 2 Q And I --
 3 A **Yeah. I'm sorry.**
 4 Q I hate to cut you -- no.
 5 A **No. It's okay.**
 6 Q I just want to get back to this lawsuit.
 7 A **Yeah.**
 8 Q I understand your frustration.
 9 A **Well, I'm just -- repeat injury, you know. Like, that's**
 10 **what I'm trying to get at.**
 11 Q Okay.
 12 A **Like, it's the second judge, and I don't know how many**
 13 **judges can do this before I go nuts. And I don't mean to**
 14 **be -- I mean, I can't talk even bad to judges because**
 15 **they're judges, and I'll got to jail, but I just -- I**
 16 **don't know how to -- I didn't know I could see a new**
 17 **judge.**
 18 Q So just to summarize, related to Judge Messitt, you are
 19 asking that her salary be awarded to your daughter or to
 20 yourself. It doesn't -- I don't know if you're
 21 distinguishing, but basically, what damage --
 22 A **Well, I'm going to have to homeschool my kids, and I**
 23 **can't work if I homeschool my kids, and I would like,**
 24 **yeah, to be --**
 25 Q So those are the damages that you're seeking, is

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1 Ms. Messitt's salary until she is 18 years old; is that
 2 correct?
 3 A **Mm-hm.**
 4 Q **ACZ** --
 5 A **So that I can homeschool her and not have to work, that**
 6 **kind of thing.**
 7 Q Okay. And then are you requesting any damages, monetary
 8 or otherwise, related to Ann Danieli?
 9 A **Well, I suppose she could help her pay it. I'm sure**
 10 **she's got some money. I mean, I don't know. They kind**
 11 **of together committed the same -- well, Danieli wasn't --**
 12 **she was kind of forced to be a part of this, but if I**
 13 **were her, I would have forwarded that to the police. I**
 14 **wouldn't have forwarded it to -- I mean, that's just -- I**
 15 **don't know.**
 16 Q Forwarded what?
 17 A **Just -- you know, the email. I wouldn't have said, oh,**
 18 **well, let me tell the person who committed the crime. I**
 19 **would get the law enforcement involved or something**
 20 **because if it's a crime and I'm involved and I'm a party**
 21 **of it -- they're accusing me of it -- I mean, yeah, I'm**
 22 **going to want the right people to take care of it and not**
 23 **the person who committed the crime. But they're friends,**
 24 **so they trust each other, I guess.**
 25 Q Okay.

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1 A **I don't know.**
 2 Q And I want to just ask you a couple more questions. I'm
 3 almost done.
 4 A **Yeah.**
 5 Q Relating back to -- or referring you back rather to
 6 Exhibit 3, which is the shelter care order, on Page 8 of
 7 that order, Paragraph 3.3, that governs attorney and
 8 guardian ad litem appointments, and that order states
 9 that the guardian ad litem will be appointed for **ACZ**
 10 **[REDACTED]**, and --
 11 A **And they actually --**
 12 Q I am assuming --
 13 A **I'm sorry.**
 14 Q Let me finish my question.
 15 A **Go ahead.**
 16 Q And so I am assuming that we are talking about Pauline
 17 Duke when you are referencing guardian ad litem just
 18 during our testimony? Is there anybody different, to
 19 your understanding, who does work as a GAL on --
 20 A **They -- they postponed the guardian ad litem assignment**
 21 **for months.**
 22 Q Okay. But I just want to make sure that we're talking
 23 about Pauline here when we're talking about --
 24 A **That's the only one I ever --**
 25 Q Okay. Okay. Just for a point of clarification.

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<p style="text-align: right;">Page 94</p> <p>1 But Pauline was not involved in the March 16th 2 hearing, to your understanding? 3 A No. But there is an email where the Attorney General is 4 stating something like, "Don't tell Myriam the -- 5 Pauline's information because she will sue her," blah, 6 blah, blah. And I believe this was even prior to me even 7 knowing that I had one because for months they said I 8 didn't have one, and I just knew they were lying because 9 everyone else was getting one. 10 And I was like, "Hey, how come" -- I heard all of 11 the hearings because I'm my own attorney, so everyone 12 else got a guardian ad litem, but I just kept for some 13 reason not getting one, and I knew something was up, 14 so... 15 Q Do you recall a hearing on June the 12th of 2020, before 16 Judge Messitt, where you had requested to represent 17 yourself? 18 A I think that was the 9th, wasn't it? Or was it the 12th? 19 Q It may have been. And I apologize. I don't have -- 20 A It's okay. 21 Q But you recall a hearing? 22 A It probably is the 12th. They probably -- no. I do 23 remember that hearing. Yes, I do. 24 Q Okay. You do recall that hearing. 25 And so you did request to proceed pro se, without an</p>	<p style="text-align: right;">Page 96</p> <p>1 Is that -- is that correct? 2 A Well, that -- I think it was just their way of trying to 3 trick me into believing that the person was Danieli, who 4 I knew wasn't Danieli. 5 Q Okay. 6 A And that's just their like -- they thought, well, hey, if 7 we make a hearing, she'll -- maybe she'll think she 8 forgot something, and we'll get her to believe us. But I 9 knew the second that I heard the voiceover of Danieli, I 10 knew it wasn't the hearing anymore. 11 Q Okay. And are you alleging that Pauline Duke was 12 involved in altering that audio tape in some way? 13 A No. But if she listened to it, which I don't know if she 14 did or not -- it was offered as evidence. I don't know 15 if any of them listened to it or cared to listen to it, 16 but if they would have listened to it, they would know 17 that it was fake. 18 Q Okay. Are you alleging that Jennie Cowan was involved in 19 creating that audio tape in some way? 20 A No. The only people that were involved were Sebastian 21 Miller, Kelly Owens, Hannah Gold, and David La Raus. I 22 believe only because David La Raus was the first person I 23 told that this minutes didn't exist, and so he went off 24 on his little way to go make sure it was created. 25 Q Okay.</p>
<p style="text-align: right;">Page 95</p> <p>1 attorney, while Judge Messitt was presiding over your 2 case? 3 A She kept forcing these attorneys on me, and I just -- I 4 told her -- well, because I knew -- at that point, I 5 think -- I think it was right around the time I was about 6 to find out about the forgery, but I also found out 7 about something that Hannah did wrong. I can't remember 8 what it was, but I was really upset about it. And I 9 couldn't get rid of Hannah. That was hard enough. 10 And then she stuck me with another one, forced me to 11 have another attorney, and I couldn't believe it. I'm 12 like, wait a minute. I don't know -- I don't believe I 13 knew what I was doing at all, but I could do better by 14 myself. I couldn't have these attorneys just -- I'm glad 15 I did that because I got my discovery, and that was -- 16 Q Okay. And that was your request to proceed pro se? 17 A Yeah. 18 Q Okay. Give me just one more minute, Ms. Zayas. I just 19 want to look through my notes again. 20 And just one other point of clarification. You were 21 asked questions about the audio recording of the hearing 22 on March 17th, and again, just to summarize and perhaps 23 paraphrase, it's your testimony that that audio was 24 created at some point later, that it didn't represent the 25 hearing, and that that was part of the forgery as well?</p>	<p style="text-align: right;">Page 97</p> <p>1 A So -- but the people that were involved in the making of 2 it were the people who were at the shelter care hearing, 3 yeah. 4 Q Okay. So does that include -- not Ann Danieli. Does 5 that include Judge Messitt? Are you alleging that she 6 was involved in creating -- 7 A She had to be -- I mean, she had to be involved in the 8 creation of it because -- yeah, because Linda Nguyen 9 was -- had to be. I mean, there's no -- I mean, because 10 they were the only other two people that would have had 11 to tell their side of the story and get it straight or 12 whatever, you know. 13 Q And are you alleging that Ann Danieli was involved in 14 creating a false audio recording as well? 15 A I think there was an email that Linda sent on -- God, I 16 can't remember what day that was. I found it recently, 17 but it was -- she said that they were taking people's 18 testimony for the shelter care hearing on that day. 19 It was -- oh, yeah. It was on 6/9 that they said 20 they were taking default testimony for the -- an email 21 that Linda Nguyen sent to -- but my attorney at the time 22 was not my attorney. It was Grant Simmons. So Grant 23 didn't never tell me, of course, that they were taking 24 default testimony for the shelter care hearing. 25 And then when I -- later on when I said, "Hey, I</p>

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<p style="text-align: right;">Page 98</p> <p>1 found this email from Linda that said they were taking 2 default" -- why would it be important for her to tell 3 everyone to call back later? Why couldn't they be 4 present for this, I guess is what I was wondering, 5 because if it wasn't -- if it was just a hearing, then 6 why would everyone have to wait to call back? Why -- I 7 mean, I sat through plenty of people's hearings that I 8 didn't even know, being my own lawyer, so I think that 9 her reason for not allowing anyone else to call in during 10 this hearing or to listen in or whatever is because it 11 was the default testimony for the fake shelter care 12 hearing that they created. 13 Q Okay. 14 A That's my theory. I don't know. 15 Q But -- okay. And then -- I'm sorry if I'm repeating 16 myself. Are you alleging that Ann Danieli was involved 17 in that? 18 A She -- they said that's who was -- if you listen to the 19 hearing, that's who's talking is Danieli -- 20 Q Okay. 21 A -- they say. 22 Q Okay. So I take that to mean that, yes, you are alleging 23 she was involved in it? 24 A Yeah. She had -- well, according to their recording, 25 yeah.</p>	<p style="text-align: right;">Page 100</p> <p>1 on June 19th, 2020, and his -- what you said was his 2 failure to cross-examine the teacher on the stand in 3 October 2020 during the dependency trial about this; is 4 that correct? 5 A Yes. It was my job to cross-examine her, but at the 6 time, like I said, I assumed that everyone was following 7 the rules that the judge put forward. Judge Ramseyer 8 said, "If they testify to something that is documented, 9 it must also be provided as evidence." 10 So I assumed that because the teacher testified to 11 it that David La Raus already had the attendance records. 12 I wasn't there for a few days of the trial either, so I'm 13 not -- like I said, I wasn't sure if it had been 14 presented or not because there was, like, a few days I 15 was gone, and it may have been presented in those days. 16 So when I cross-examined her, I never asked, "Did 17 you provide the attendance records?" because I just 18 assumed she would. I didn't know what the attendance 19 records said either, so I just didn't -- I didn't want to 20 jump the gun and say, hey, my daughter never missed any 21 school for sure for sure because I didn't know what it 22 said. So I had to wait and see what it said first and 23 then come back around because I couldn't -- you know, you 24 never know. They might have wrote down something 25 different. I don't know.</p>
<p style="text-align: right;">Page 99</p> <p>1 MS. COOK: Okay. I think those are 2 all the questions that I have. I appreciate you bearing 3 with me, and I hope I didn't repeat myself too much. 4 Mr. Lenihan may have some follow-up questions based 5 on what I just asked, so I'm going to turn it over to him 6 and mute myself. 7 MR. LENIHAN: Thank you, Julie. 8 FURTHER EXAMINATION 9 BY MR. LENIHAN: 10 Q Just very briefly. Ms. Zayas, can you tell me the 11 teacher, if you recall, who you said was lying in the 12 dependency trial about your child's attendance and 13 disciplinary records? 14 A Erin Boyett. 15 Q I'm sorry. Do you know how to spell that last name? 16 A Yeah. It's B-o-y-e-t-t, with no E at the end. 17 Q Thank you. 18 And the first name, Aaron, as in A-a-r-o-n? 19 A E-r-i-n. 20 Q Okay. Thank you. 21 And I just want a little clarification because when 22 I was talking to you, you testified that -- we went over 23 the three reasons why you were suing David La Raus, and 24 that was his statements on the record and the hearing on 25 May 18th, 2020, as well as the statements on the record</p>	<p style="text-align: right;">Page 101</p> <p>1 Q Okay. But you had also just -- when Ms. Cook was asking 2 you a question, you mentioned that David La Raus was -- 3 you said something about he made sure the minutes from 4 the March 17th, 2020, hearing were created. So what do 5 you mean by that? 6 A That document -- the document is -- that was added to the 7 docket in August by -- I don't know who it was added by, 8 the clerk, some -- oh, Tara Shoemaker -- somebody was -- 9 somebody added it who was the creator of the document. 10 The name of the document is "Minutes," and that's it. 11 There are no minutes that were added. Just the document 12 was added with the name of "Minutes" basically. 13 So I had to go -- I went to the clerk, and I said, 14 "Hey, can I get these minutes?" 15 And she's like, "Yeah." 16 She pressed me up two pieces of paper, and that's 17 what it is. 18 I'm like, "These aren't minutes. I need audio." 19 And she's like, "I don't know what you're talking 20 about." 21 So then I go back to my email, and I'm like, "Excuse 22 me. You didn't add in minutes." 23 And so basically, I go back to the clerk again, and 24 she finally gives me minutes, and that's when I got the 25 fake shelter care hearing.</p>

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<p style="text-align: right;">Page 102</p> <p>1 Q Okay. So understood. So David --</p> <p>2 A Actually, he didn't bring that until trial.</p> <p>3 Q Okay.</p> <p>4 A I don't even think I got that from the clerk until --</p> <p>5 yeah. No, I didn't get that until trial.</p> <p>6 Q You didn't get --</p> <p>7 A The audio -- the fake audio until -- the trial is when it</p> <p>8 was presented basically.</p> <p>9 Q Okay. So am I -- is your testimony that aside from the</p> <p>10 three things we talked about that you're accusing David</p> <p>11 La Raus of in this trial, there's a fourth one -- I mean</p> <p>12 in this lawsuit -- there's a fourth one, and this is --</p> <p>13 you're saying that he worked with the court to make sure</p> <p>14 that there was minutes added to --</p> <p>15 A Yeah, the document minutes. Like -- okay. I said I</p> <p>16 needed minutes, and he said that that document would be</p> <p>17 fulfilling of the minutes because of it's a</p> <p>18 transcription, blah, blah, whatever.</p> <p>19 And I said, well, I wasn't okay with that because I</p> <p>20 know that there should be audio, I guess, and -- because</p> <p>21 I know that most hearings are heard -- heard, not, you</p> <p>22 know, read, and so I -- I guess since it's called a</p> <p>23 hearing, I was waiting for the audio or the transcription</p> <p>24 that was not just a minute entry or, you know -- that</p> <p>25 wasn't -- that wasn't -- that was his way of, "All right.</p>	<p style="text-align: right;">Page 104</p> <p>1 Is that the totality of your allegations against</p> <p>2 him, these four things we've talked about?</p> <p>3 A Well, I could go on, but it would be continuing to this</p> <p>4 last month, and so that would be not fair to him since I</p> <p>5 filed this a long time ago.</p> <p>6 Q Well, it's important that I --</p> <p>7 A Well --</p> <p>8 Q -- understand just what -- I mean, because it's -- I'm</p> <p>9 relying on what you put in your complaint, and so the</p> <p>10 allegations that we've discussed today, these four --</p> <p>11 four separate allegations, I guess, are those the extent</p> <p>12 of what you're suing him for --</p> <p>13 A Yes.</p> <p>14 Q -- in this lawsuit?</p> <p>15 A Yeah. That's what -- that's --</p> <p>16 Q Okay. And so I understand that you've explained what you</p> <p>17 say is his role in the creation of the audio from the</p> <p>18 March 17th, 2020, shelter care hearing. You've explained</p> <p>19 that you believe he instigated that -- the creation of</p> <p>20 that fake audio tape; correct?</p> <p>21 A Yes.</p> <p>22 Q Okay. And then the next is on March -- on May 18th,</p> <p>23 2020, you testified that he -- it was obvious that he was</p> <p>24 covering something up during -- in what he stated on the</p> <p>25 record.</p>
<p style="text-align: right;">Page 103</p> <p>1 Here are the minutes. Boom. I'm done. That's all I</p> <p>2 need to do."</p> <p>3 And that wasn't good enough to me because I know</p> <p>4 that there was more to it, and I think he knew that too,</p> <p>5 which is why he created that -- or how do you say it --</p> <p>6 instigated the creation of the audio.</p> <p>7 Q David -- your testimony is that David instigated the</p> <p>8 creation of an audio?</p> <p>9 A Of the audio of the shelter care hearing that was not</p> <p>10 real.</p> <p>11 Q Okay.</p> <p>12 A If I wouldn't have pressed it -- if I would have just</p> <p>13 been okay with the minutes document, he wouldn't have</p> <p>14 went off and did that, I don't think.</p> <p>15 Q Okay. So your -- so you acknowledge that there is an</p> <p>16 audio file related to the March 17th, 2020, shelter care</p> <p>17 hearing, but you're saying --</p> <p>18 A That he created.</p> <p>19 Q That David created?</p> <p>20 A Yes.</p> <p>21 Q Okay.</p> <p>22 A Not the actual one. The actual one, who knows what they</p> <p>23 did with that?</p> <p>24 Q Okay. All right. So that's your fourth allegation then</p> <p>25 against him.</p>	<p style="text-align: right;">Page 105</p> <p>1 Can you explain to me, what was obvious that he was</p> <p>2 covering up?</p> <p>3 A Well, because I didn't know him, and he didn't know me,</p> <p>4 and he immediately jumped down my throat about being</p> <p>5 mentally ill, and he just went off the deep end. "No.</p> <p>6 She should have an attorney. Make her have an attorney.</p> <p>7 She's crazy. She's mentally ill," blah, blah, blah.</p> <p>8 And I'm like, what the -- I mean, I guess anybody</p> <p>9 would be mentally ill after four months of not seeing</p> <p>10 their child, but I don't know. Maybe I was a little off</p> <p>11 the rocker, but it was their fault that I was off the</p> <p>12 rocker.</p> <p>13 Q Okay. And --</p> <p>14 A I mean, it was their fault that I was being whatever he</p> <p>15 said I was being, and they knew that. I think he knew</p> <p>16 that.</p> <p>17 Q Okay. And because he was pointing out on the record</p> <p>18 what -- he was saying that you were needing an attorney</p> <p>19 and that you were acting mentally ill, so that is what</p> <p>20 you were saying was the obvious?</p> <p>21 A He didn't know me from Adam to say that, but at the same</p> <p>22 time, I think that he did that to cover for -- you know,</p> <p>23 like, to get on me to take the focus off of me finding</p> <p>24 out about the forgery. Yeah. Because I don't think I</p> <p>25 knew at that -- I didn't know at either one of the</p>

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<p style="text-align: right;">Page 106</p> <p>1 hearings, 5/18 or 6/9, about the forgery until 7/13. So 2 I didn't -- yeah, I had no clue. And his focus was to 3 make sure that my focus was not on the shelter care 4 hearing at all. 5 Q Okay. And on June 9th -- your third allegation is 6 June 19th, 2020 -- is that the same -- you're saying that 7 this -- he was making the same statements that you 8 thought would demonstrate that he was obviously covering 9 something because he was telling the judge that you 10 had -- you needed a lawyer and that you -- 11 A That's when they switched the judge, and I told him -- I 12 said, "What's this judge's name?" 13 And he wouldn't tell me the judge's name. And then 14 he said -- then I said, "I'm suing this judge." 15 And he's like -- he starts freaking out. Like, "Why 16 are you going to do that? Don't do that." 17 And he starts freaking out, and I'm like, "Oh, wow. 18 This guy's" -- like, it's so obvious. He's so obvious. 19 I think what they should do is lower the age range of 20 these court officials if they want to commit high crimes 21 like this because their technology is like -- I mean, the 22 obviousness of their crimes is like -- they're not good 23 criminals. 24 Q Okay. So -- 25 A And so when he just basically --</p>	<p style="text-align: right;">Page 108</p> <p>1 (Signature reserved.) 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 107</p> <p>1 Q Okay. I think I understand. So that's the June 19th, 2 and that's -- okay. So this is what he was doing on 3 the -- in the hearings on the record on those -- on 4 May 18th and June 19th? 5 A Yeah. 6 Q Okay. 7 A And he's been an Attorney General for 17 years, I think. 8 I think he knows Ann Danieli is not -- you know what I 9 mean? Like, these people have been doing this for a long 10 time. 11 MR. LENIHAN: Okay. Thank you. I 12 think -- I appreciate your time. I think that's -- 13 that's all of my questions. 14 So, Julie, I apologize if you have anything else 15 again, but I'm done. 16 MS. COOK: I don't. Thank you very 17 much. 18 Actually -- actually -- no, I don't. Never mind. 19 THE VIDEOGRAPHER: All right. Very 20 well. This concludes the deposition of Myriam Zayas. 21 Time now is 11:43 a.m. We are going off record. 22 (Exhibit Nos. 1, 3, and 7 23 marked for identification.) 24 (Deposition concluded at 25 11:43 a.m.)</p>	<p style="text-align: right;">Page 109</p> <p>1 A F F I D A V I T 2 3 4 STATE OF WASHINGTON) 5) ss. 6 County of Pierce) 7 8 I, Myriam Zayas, hereby declare under penalty of 9 perjury that I have read the foregoing deposition and that 10 the testimony contained herein is a true and correct 11 transcript of my testimony, noting the attached corrections. 12 13 14 15 16 Myriam Zayas 17 18 19 20 21 Date: _____ 22 23 24 25</p>

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CORRECTION SHEET

Please do not mark the transcript. Thank you.

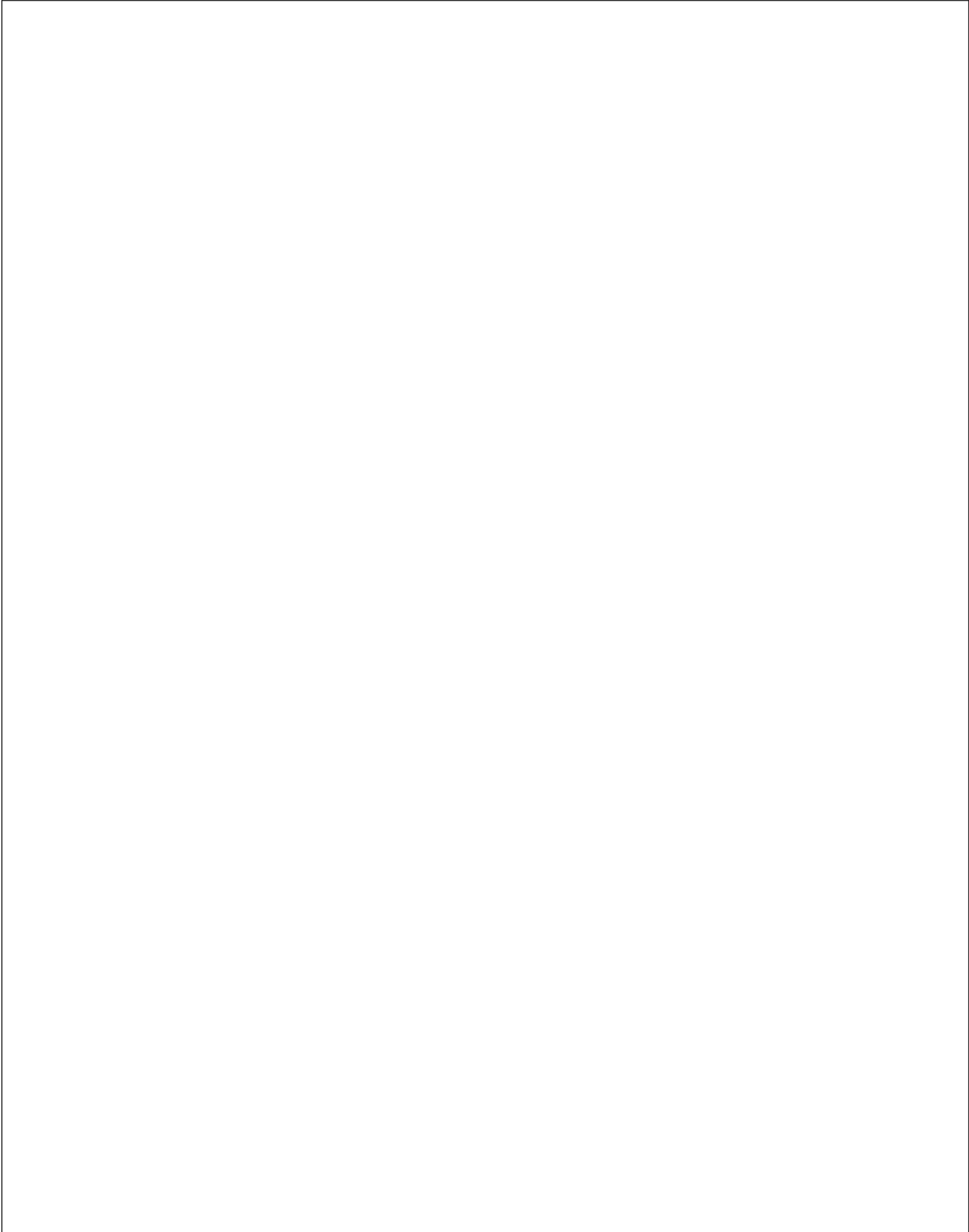
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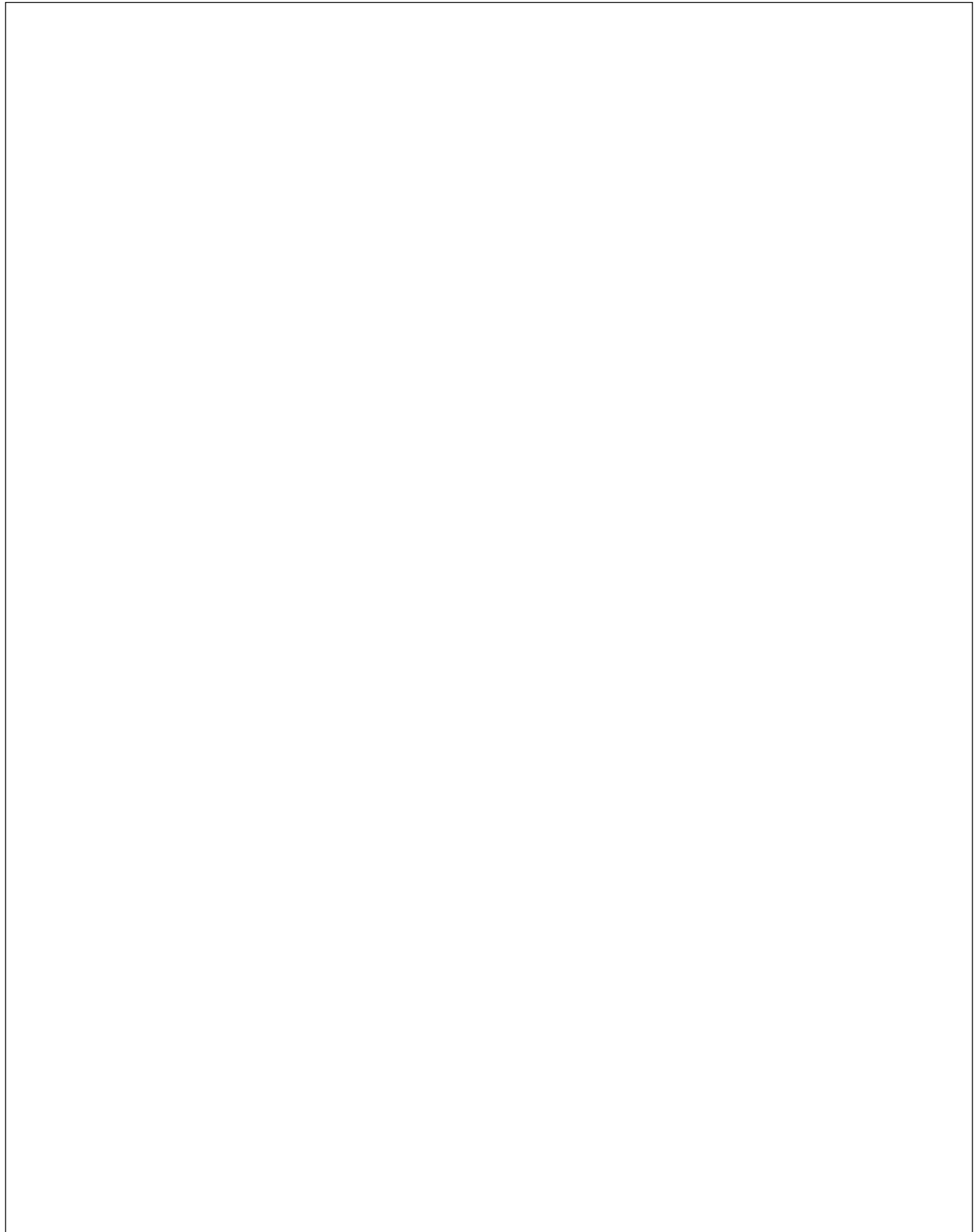

Valerie L. Torgerson, CCR, RPR
Certified Court Reporter No. 203
(Certification expires 09/3/21.)

CC: brendan.lenihan@atg.wa.gov, julie.cook@kingcounty.gov



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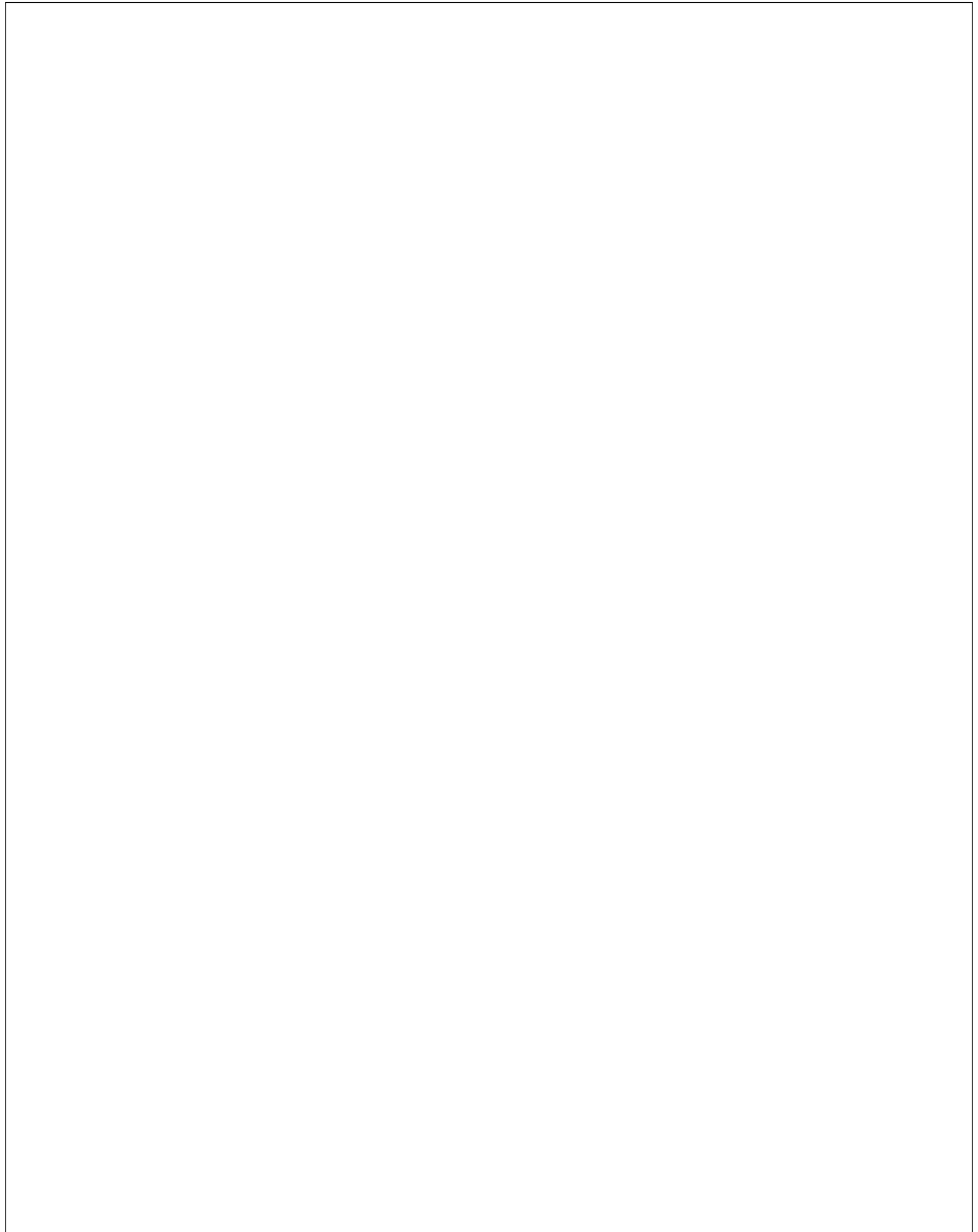
MYRIAM ZAYAS vs ANNETTE MESSITT
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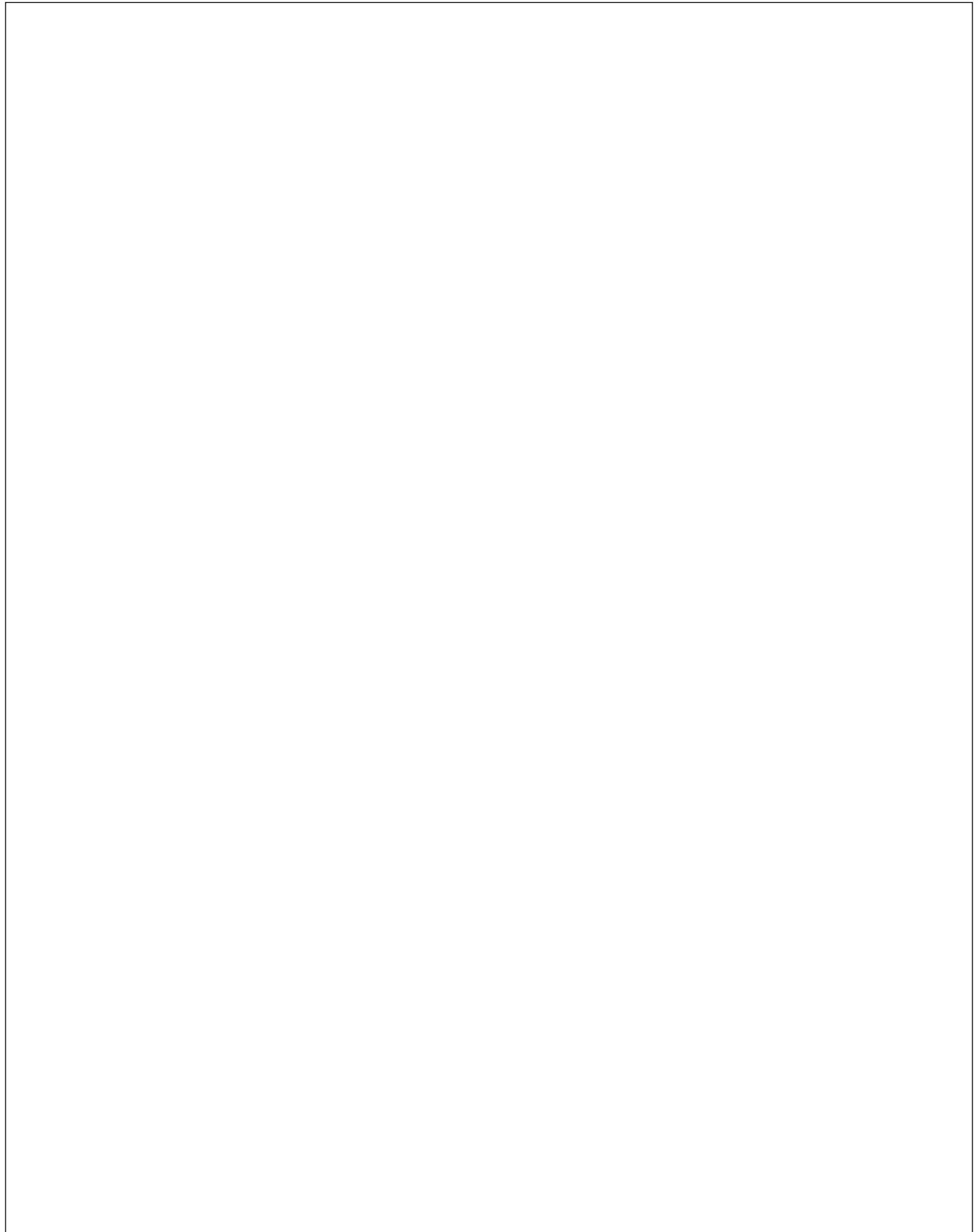
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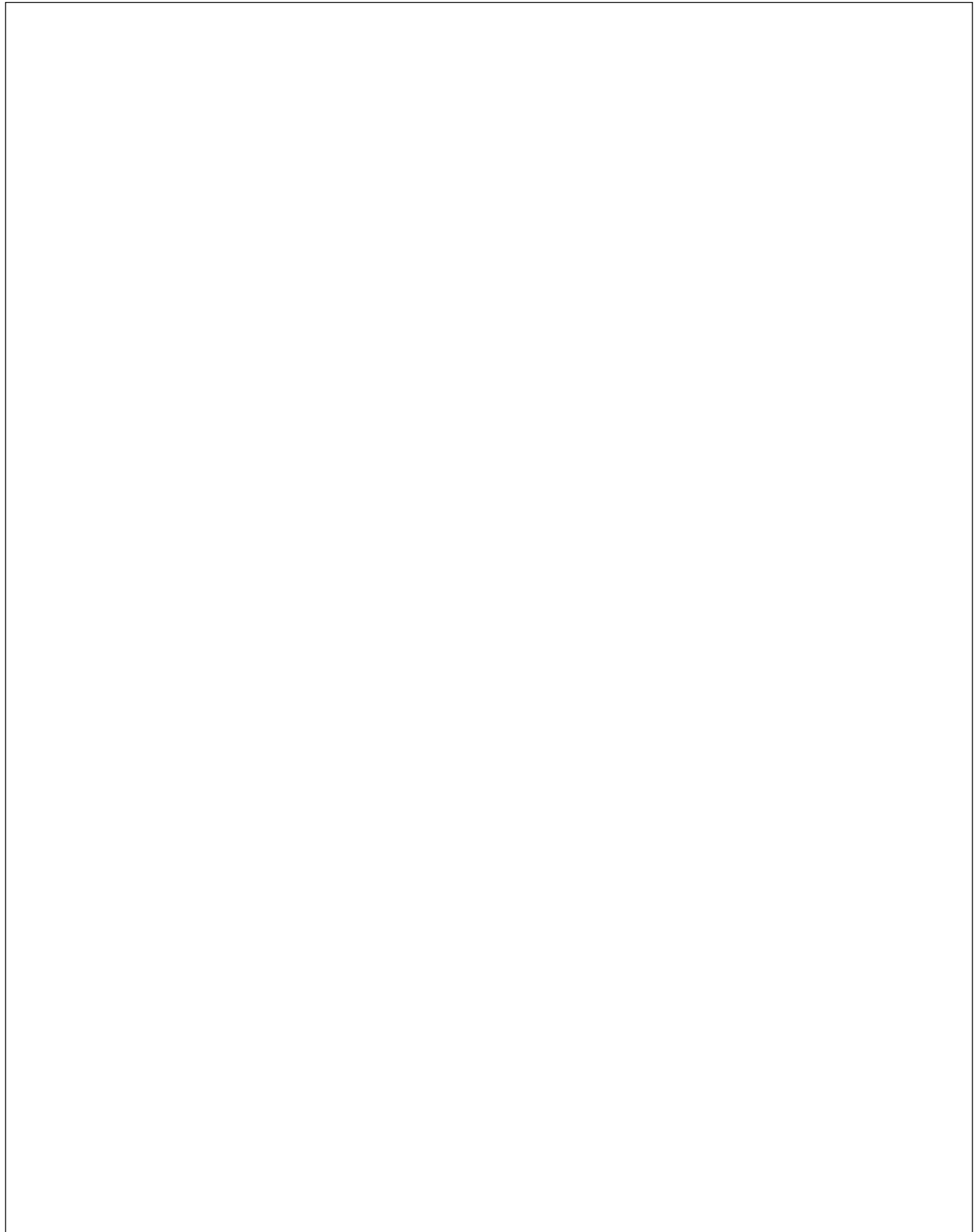
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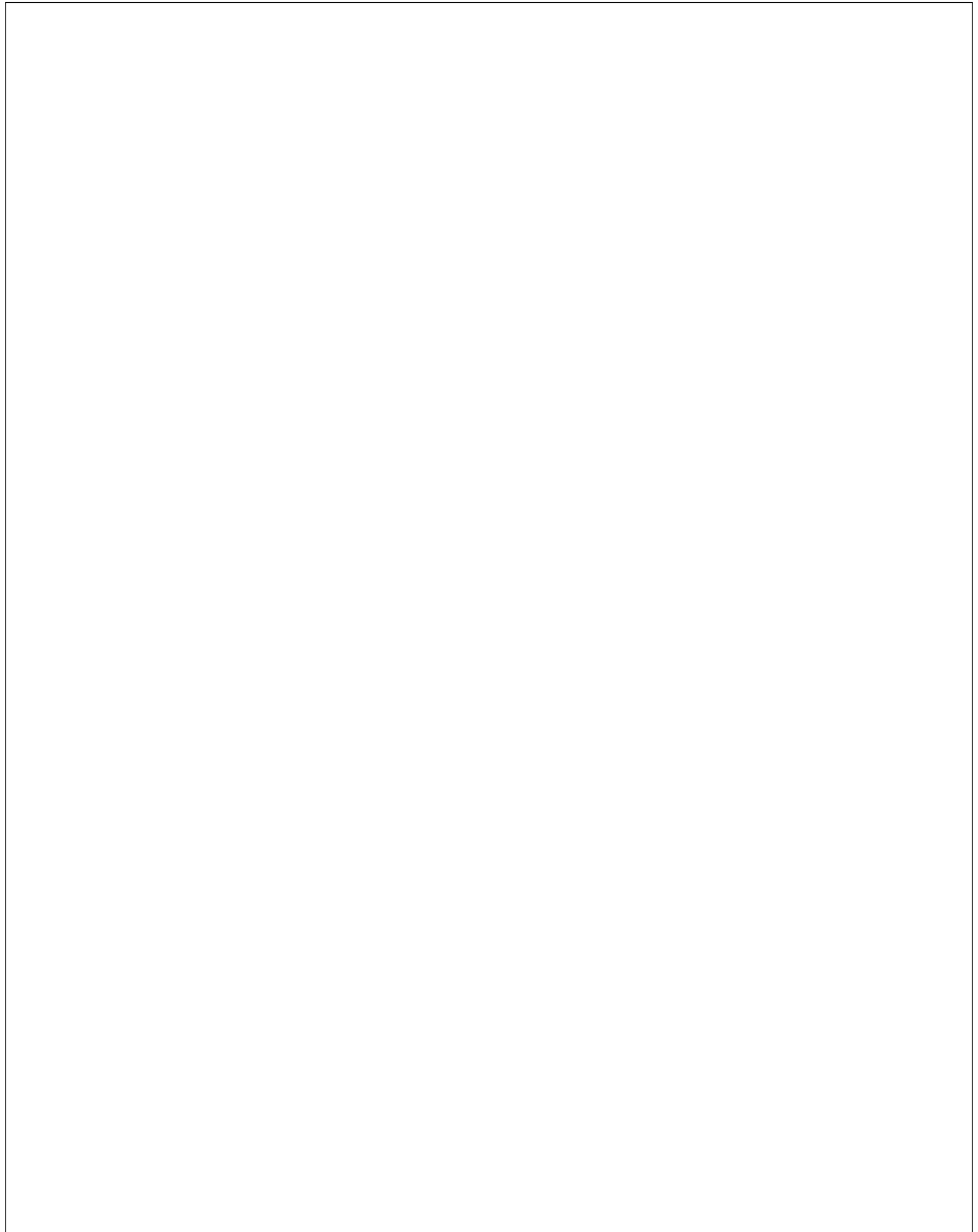
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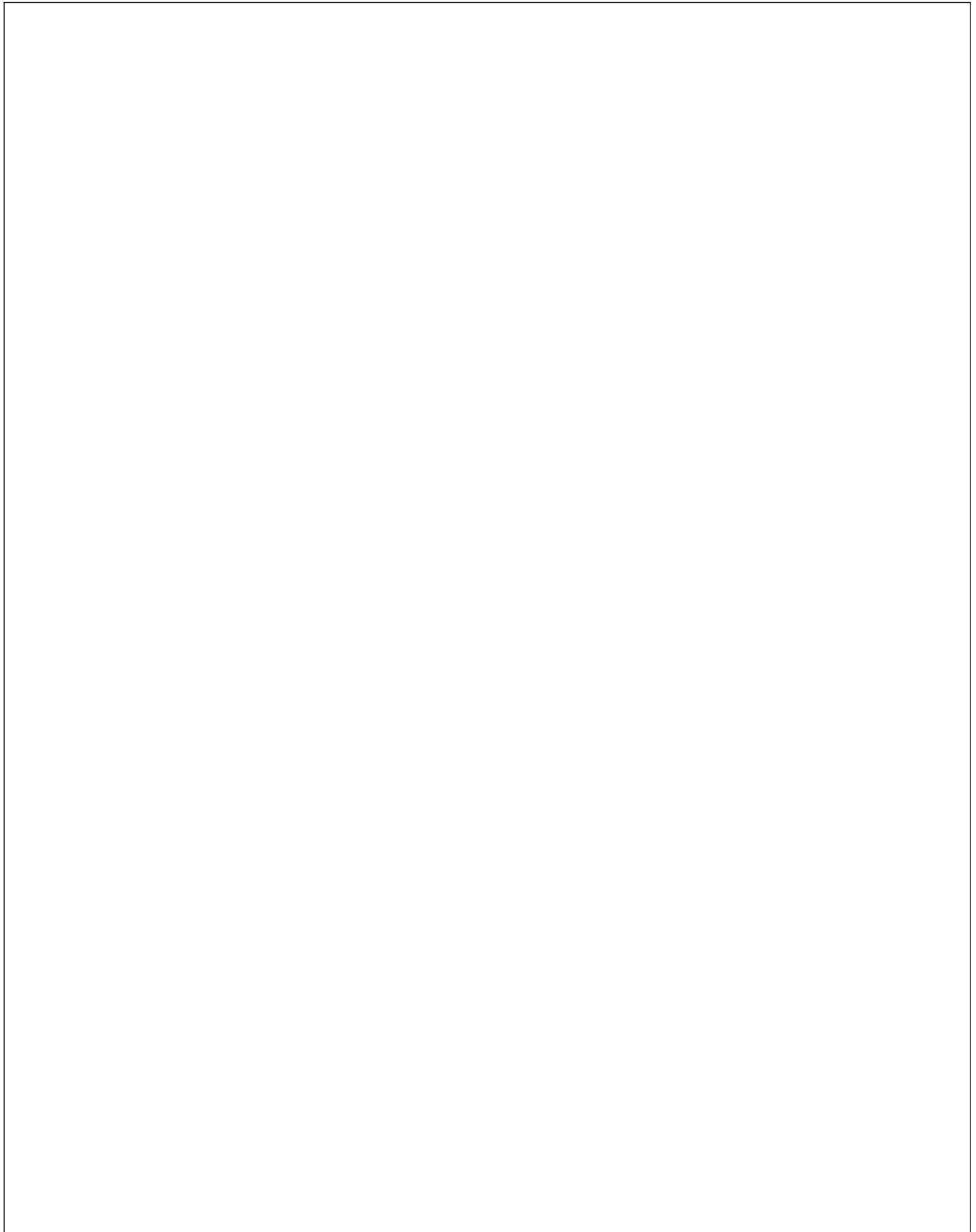
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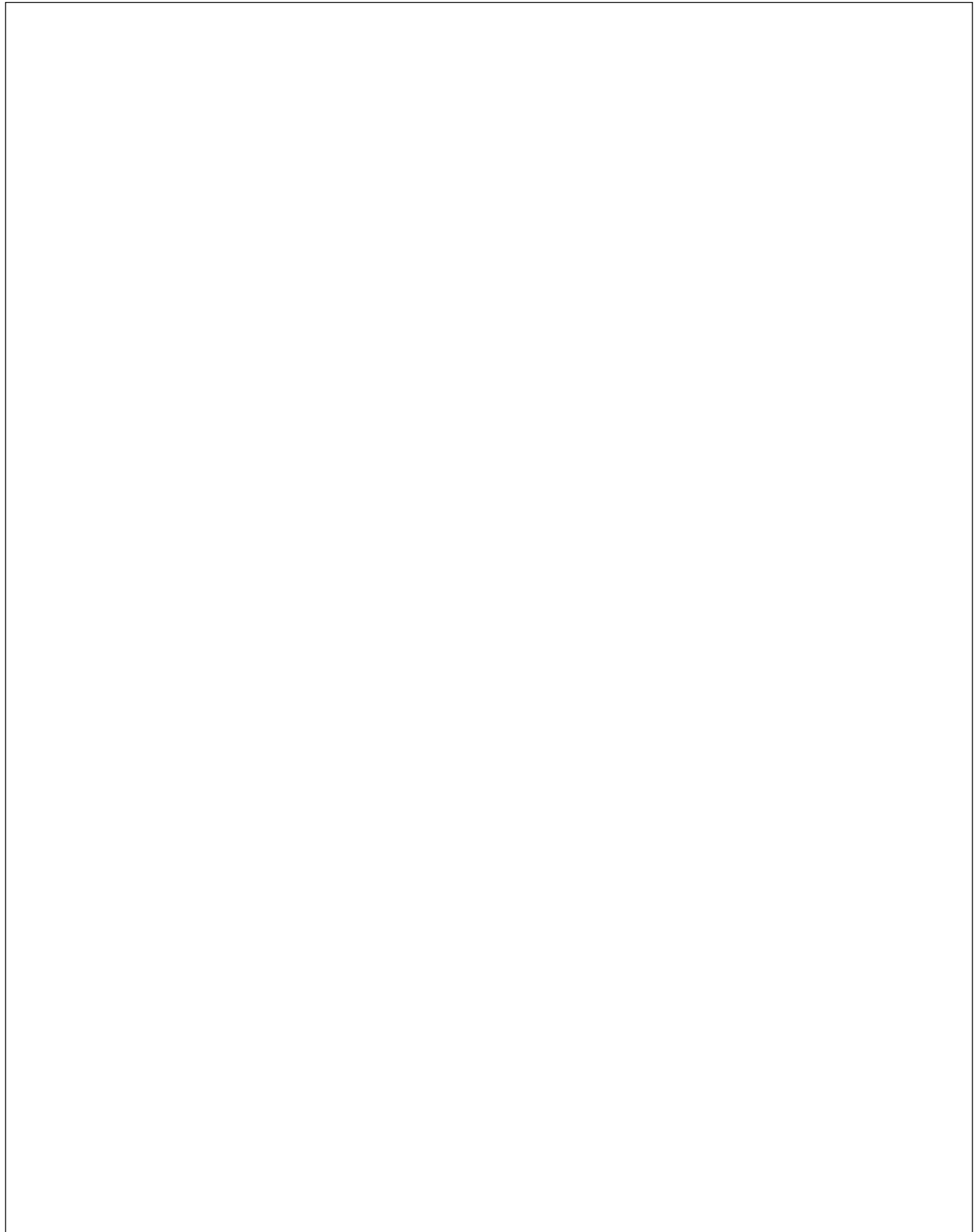
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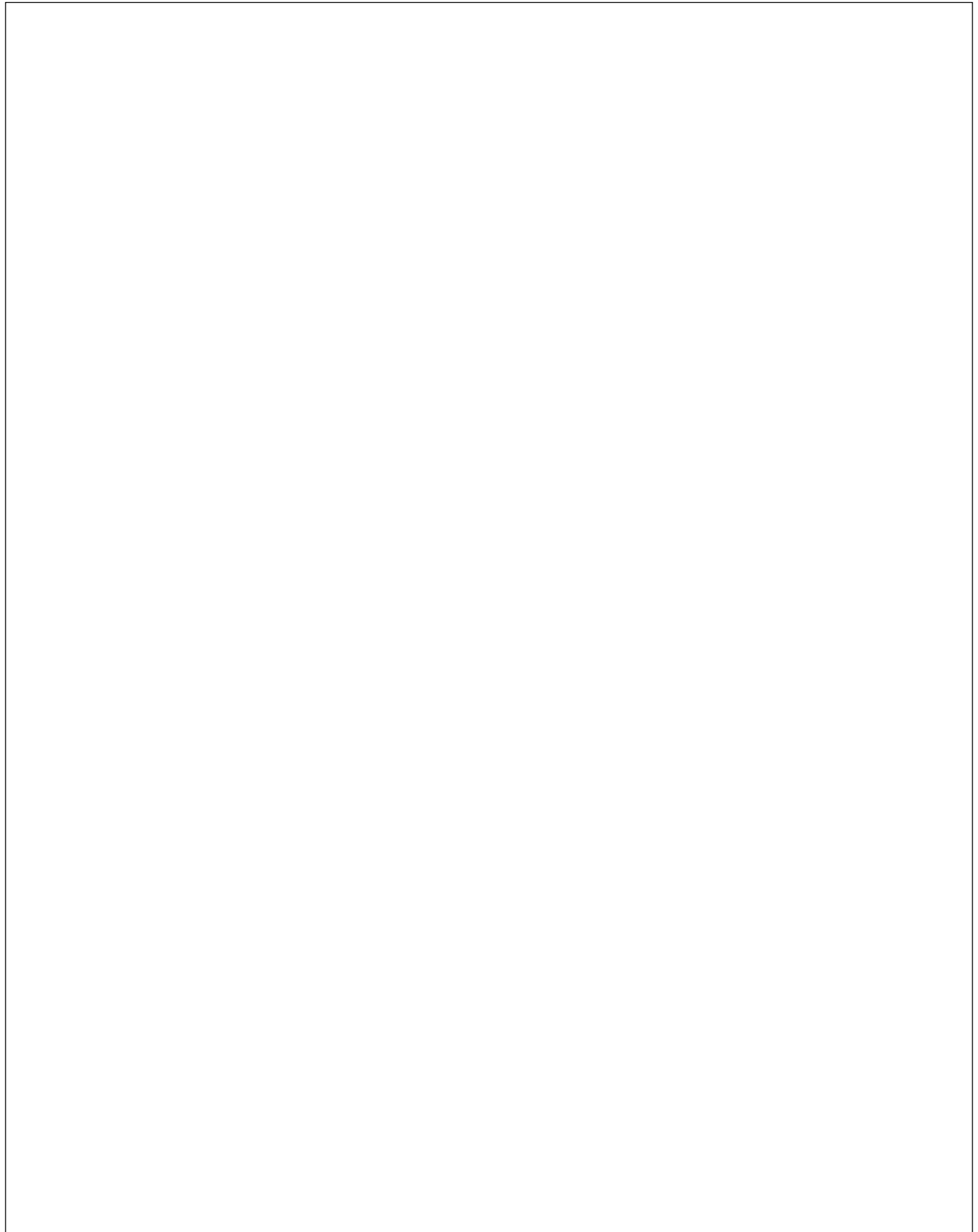
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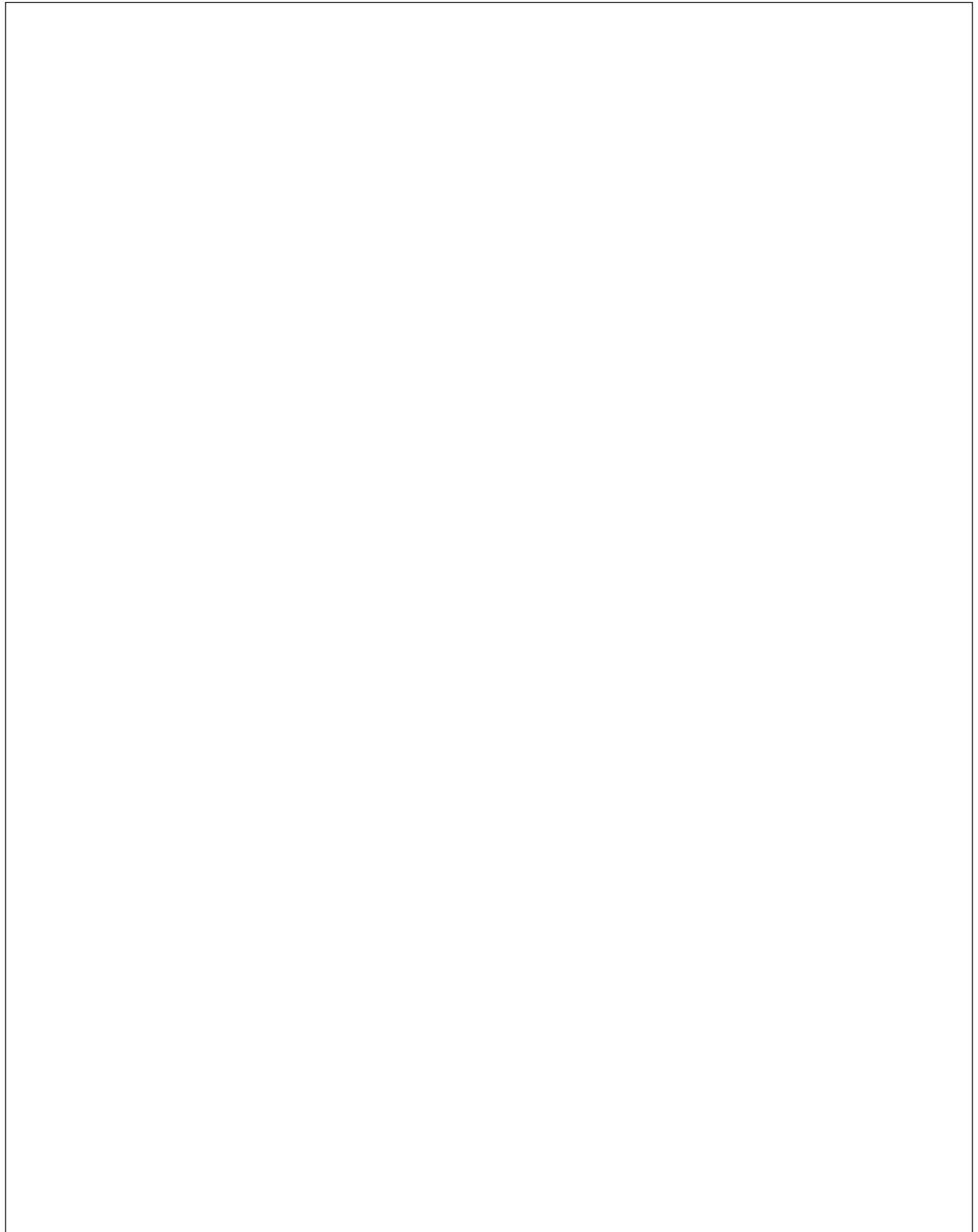
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